

06-1282-CD  
Gary Passarelli vs James Naddeo

Gary Passarelli vs James Naddeo  
2006-1282-CD

Date: 03/07/2007

Clearfield County Court of Common Pleas

User: GLKNISLEY

Time: 02:08 PM

ROA Report

Page 1 of 1

Case: 2006-01282-CD

Current Judge: Fredric Joseph Ammerman

Gary L. Passarelli vs. James A. Naddeo

Civil Other

Date		Judge
08/11/2006	New Case Filed.	No Judge
	X Filing: Civil Complaint Paid by: Passarelli, Gary L. (plaintiff) Receipt number: 1915092 Dated: 08/11/2006 Amount: \$85.00 (Check) 1 CC plff.	No Judge
08/17/2006	X Sheriff Return, August 15, 2006 at 1:50 PM Served the within Complaint on James A. Naddeo. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Passarelli \$30.39	No Judge
10/11/2006	X Amendment To Complaint, filed by s/ Gary L. Passarelli, Plff. 1CC to Atty.	No Judge
10/25/2006	X Praecipe to Schedule Argument, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	No Judge
	X Preliminary Objections, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.	No Judge
10/27/2006	Order AND NOW, this 26th day of October 2006, upon consideration of the Preliminary Objections filed by Defendant, it is the ORDER of this Court that argument upon Defendant's Preliminary Objections to Plaintiff's Complaint is scheduled for the 9th day of November 2006 at 11:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC atty Naddeo.	Fredric Joseph Ammerman
	X Certificate of Service, filed. That a certified copy of the Order of the Court, entered on October 26, 2006, in the above-captioned action was served on Gary L. Passarelli on the 27th day of October 2006, filed by s/ James A. Naddeo Esq. NO CC.	No Judge
11/15/2006	Order, NOW, this 9th day of Nov., 2006, Ordered that Preliminary Objections are granted with the exception of the Preliminary Objection as to inclusion, scandalous and impertinent matter and demurrer. The Plaintiff is given no more than 60 days in which to file an Amended Complaint to Comply with the Rules of Civil Procedure. By The Court, /s/ Fredric J/ Ammerman, Pres. Judge. CC to Plff & Def.	Fredric Joseph Ammerman
01/24/2007	X Petition For Non Pros, filed by James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
01/26/2007	X Rule, this 26th day of Jan., 2007, upon consideration of defendant's petition, a rule is issued on plaintiff. Rule Returnable and argument thereon to be held the 5th of March, 2007, at 9:00 a.m., in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Naddeo	Fredric Joseph Ammerman
01/29/2007	X Certificate of Service, filed. That a certified copy of the Rule and Petition for Non Pros in the above-captioned action was served on the 29th day of January 2007 on Gary L. Passarelli, filed by s/ James A. Naddeo Esq. NO CC.	Fredric Joseph Ammerman

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

GARY L. PASSARELLI  
(Plaintiff)

CIVIL ACTION

110 Michlin Ave  
(Street Address)

No. 06-1282-CD

CURKENSVILLE, PA 16833  
(City, State ZIP)

Type of Case: CIVIL

Type of Pleading: Compliant

VS.

Filed on Behalf of:

James A. Naddo  
(Defendant)

Plaintiff  
(Plaintiff/Defendant)

207 E. Market St  
(Street Address)

Clearfield PA 16830  
(City, State ZIP)

GARY L PASSARELLI  
(Filed by)

110 Michlin Ave Curw. PA 16833  
(Address)

814.236-1175  
(Phone)

Gary L Passarelli  
(Signature)

FILED 1cc Aff  
0/8:58/01  
AUG 11 2006  
William A. Shaw  
Prothonotary/Clerk of Courts  
85.00

Gary L Passarelli, Plaintiff

V

James A Naddeo, Defendant

## INTRODUCTION

The Passarelli's have been good law obeying community citizens in Curwensville since the twenties. We take good care of our property and when we bought an adjacent property, our neighbor who is the worst possible neighbor you can have and which we have had problems with in the past filed a lawsuit against us. The only reason his lawyers could of filed the suit because of prior knowledge of our attorney the defendant. This case was not about us but of the knowledge and dealings of our attorney.

We wish that statute of limitations should be tolled due to the defendants "fraudulent concealment." Pennsylvania's doctrine of fraudulent concealment "based on a theory of estoppel, and provides that the defendant may not invoke the statute of limitations, if through fraud or concealment, he causes the plaintiff to relax his vigilance or deviate from his right of inquiry into the facts."

An attorney is a professional and must act on a higher standard. His conduct is measured by the rules of Professional Conduct adopted by the Pennsylvania Supreme Court. Attorneys must be accountable for all his representations. Currently New York Attorney General Elliott Spizer is prosecuting Hank Greenberg for his fraudulent acts he committed as an attorney over forty years ago.

We were deceived by our attorney whose trust we relied upon. We seek compensatory and punitive damages for our losses.

## ALLEGATIONS

1. It was fraudulent for the defendant to willfully not attend the preliminary injunction hearing and did not inform us to attend let our family suffer under its statements. He let the judge hear our neighbor's false accusations and grant him an injunction without us telling our side of the side story or researching the laws. A lawsuit should never have been filed, we have legal access to the alley but our neighbor's attorney knew the dealing of our attorney and what actions he would take and they could get want ever they wanted. The Petition for Preliminary Injunction hearing that we did not attend was held on August 11, 1994.

2. It was fraudulent for the defendant to recommend the consent agreement was a "good deal" when he was knowingly deceiving us of our proper rights. He stuck us with a vacant lot and loss of our rights; in turn we had to find a new home. We relied on his professional knowledge in this case not knowing he was deceiving us.

3. The defendant committed extortion by charging us an exuberant amount for his services. It was because of him that we're involved in this lawsuit, and then he does not perform his duties, but sends us a bill on June 1, 1995 for \$2,902.50.

4. The defendant committed conspiracy by gaining knowledge from our neighbor's attorneys, whose firm is the Curwensville borough solicitor, about a sewer project that was to begin. The project called for a land appraisal and the defendant made sure to call us in a week before the appraisal to sign a consent agreement. The defendant never told us about the appraisal or for us to get an appraisal of our lot. He called us into his office one December 27, 1995 to sign the consent order dated January 3, 1996. The Real Estate Appraisal was done on January 8, 1996

5. The defendant inflicted emotional distress against our family. He knew that failure to exercise due care in this lawsuit would cause our family severe emotional distress. My mother had several arrhythmia attacks during this period. This case ruined our lives, we had to move and later my mother died on December 16, 1977

The defendant acted in way knowing that his actions and representations were made to defraud, extort, conspire, inflict emotional distress, and to deceive us with the intent to act in the manner herein alleged. When we took the actions herein alleged, we were ignorant of the falsity of the defendant representations, and since he was a lawyer we believed them to be true. Had we known the intentions of the defendant we would have not taken such actions.

We seek compensatory damages for the defendant's fraud, extortion, conspire, inflict emotion distress and deceit.

We seek punitive damages since the defendant acted with oppression, fraud and malice.

Wherefore, plaintiff prays judgment against the defendant as follows:

1. Damages \$41,500; lot and house on Filbert Street
2. Damages \$120,000; new house
3. Punitive damages in the sum of \$500,000.
4. For such other and further relief as the court may deem proper.

Date: 8-11-06

Signature

*Gary J Passarelli*

I Gary Passarelli verify that the above action to be true.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101808  
NO: 06-1282-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: GARY L. PASSARELLI  
vs.  
DEFENDANT: JAMES A. NADDEO

SHERIFF RETURN

NOW, August 15, 2006 AT 1:50 PM SERVED THE WITHIN COMPLAINT ON JAMES A. NADDEO DEFENDANT AT 207 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMIE LINGLE, SECRETARY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

FILED  
0/2:20cm  
AUG 17 2006

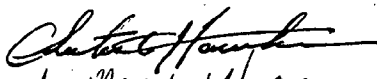
William A. Shaw  
Prothonotary

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PASSARELLI	1538	10.00
SHERIFF HAWKINS	PASSARELLI	1538	20.39

Sworn to Before Me This

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

So Answers,

  
by Marilyn Harr  
Chester A. Hawkins  
Sheriff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

GARY L. PASSARELLI  
(Plaintiff)

CIVIL ACTION

110 Michlin Ave  
(Street Address)

No. 06-1282-CD

CURKENSVILLE, PA 16833  
(City, State ZIP)

Type of Case: Civil - Complaint

Type of Pleading: Amendment to  
Complaint

VS.

Filed on Behalf of:

JAMES A. NADDEO  
(Defendant)

Gary L Passarelli  
(Plaintiff/Defendant)

207 E. Market St  
(Street Address)

Clearfield PA 16830  
(City, State ZIP)

**FILED**

OCT 11 2006

013556 William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO ATT

GARY L PASSARELLI  
(Filed by)

110 Michlin Ave Curw. PA 16833  
(Address)

814.236-1175  
(Phone)

Gary L Passarelli  
(Signature)

Gary L. Passarelli, Plaintiff

Vs.

No. 2006-01282-CD

Amendment to Complaint

James A. Naddeo, Defendant

Plaintiff, Gary Passarelli, amends the complaint in this action as follows;

Addition of Notice to Defend

Date: 10-11-06

  
\_\_\_\_\_  
Gary Passarelli



Gary L. Passarelli, Plaintiff

Vs.

2006-01282-CD

James A. Naddeo, Defendant

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the 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 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, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

Clearfield County Courthouse  
Clearfield, Pa 16830  
814-765-2641

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

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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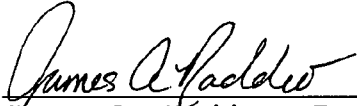
No. 2006 - 1282 - CD

**PRAECIPE TO SCHEDULE ARGUMENT**


TO THE PROTHONOTARY:

Pursuant to Clearfield County Civil Local Rule 1028 (c) and Local Rule 211, please direct the court administrator to schedule the above-captioned matter for argument before the Court for consideration of preliminary objections filed by defendant. In support thereof I certify the following:

1. Several preliminary objections have been raised by defendant for review by this Honorable Court.

  
James A. Naddeo, Esquire  
Defendant

Date: October 25, 2006

**FILED** *per Atty Naddeo*  
*6/11:30 am*  
**OCT 25 2006**   
William A. Shaw  
Prothonotary/Clerk of Courts

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

GARY L. PASSERELLI,  
Plaintiff,

V.

JAMES A. NADDEO,  
Defendant.

[illegible]

No. 2006 - 1282 - CD

Type of Pleading:

## PRELIMINARY OBJECTIONS

Filed by:  
Defendant,  
James A. Naddeo, Esq.  
Pa I.D. 06820

207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Dated: October 25, 2006

**FILED** *acc AT7 Naddo*  
*0/11:30 am*  
**OCT 25 2006** 

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES A. NADDEO,  
Plaintiff,

v.

GARY L. PASSERELLI,  
Defendant.

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No. 2006 - 1282 - CD

DEFENDANT'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

NOW COMES the Defendant, James A. Naddeo, attorney at law, and preliminary objects to plaintiff's complaint as follows:

I. PRELIMINARY OBJECTION AS TO FAILURE TO CONFORM TO LAW OR RULE OF COURT UNDER PA. R.C.P. 1028(a)(2)

**A. Failure to Paragraph Complaint**

Pa. R.C.P. 1022 requires a pleading to be divided into paragraphs and numbered consecutively. As practicable, each paragraph is only to contain one material allegation. Every part of plaintiff's complaint fails to meet each of the requirements set forth in Pa. R.C.P. 1022. The paragraphs that have been numbered are in the middle of several other paragraphs. As well, each of the five numbered paragraphs in plaintiff's complaint contains numerous statements and thus many more than one material allegation. As a result, of plaintiff's noncompliance with this rule, defendant is unable to effectively answer to the complaint in an intelligible fashion.

WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

**B. Failure to Conform to Rule 1020(a)**

Pa. R.C.P. 1020(a) requires a plaintiff who states more than one cause of action against the same defendant in a civil action to do so in a separate count containing a demand for relief. Plaintiff has not set forth in his complaint anything which would indicate the number of counts he anticipates defendant will be required to defend. Despite any numbering or count identification, it appears from plaintiff's language utilized within the complaint that he is attempting to allege more than one cause of action. Due to the complaint's failure to conform to this rule it is impossible for defendant to know what he will be called upon to defend at trial.

WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

**C. Contents of Pleading Not Concise**

Pa. R.C.P. 1019(a) requires the material facts upon which a cause of action is based is to be stated in a concise and summary form. In the complaint filed by plaintiff the allegations as stated are not concise or in summary form. Instead they run on from one thought to another and do not logically state grounds for a cause of action. Due to this

failure of the complaint to conform to the rules, it is impossible for defendant to ascertain the exact allegations made by plaintiff.

Furthermore, the purpose of pleadings is to define the issues and put the defendant on notice of what he will be called upon to meet at the trial of the cause. Defendant, after reviewing this complaint, cannot determine what exactly the Plaintiff is averring. It is thus, virtually impossible to ascertain the exact theories upon which the plaintiff is relying and therefore which defendant will be required to defend.

WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

**D. Averment of Fraud Not Stated with Particularity**

Pa. R.C.P. 1019(b) requires averments of fraud be averred with particularity. Plaintiff uses the word "fraudulent" and "defraud" throughout his complaint without particularly describing the fraud alleged. These words are used in several of the paragraphs of plaintiff's complaint (some numbered paragraphs and others which are not numbered). Due to the failure to properly paragraph and number this complaint, it is difficult for defendant to address these items individually. However, it is evident from the reading of this complaint as a whole that the fraud is not averred with particularity. There

is no detailed statement of the facts sustaining fraud anywhere within the complaint.

The requirement of particularity when pleading fraud is to prevent allegations based on mere subterfuge. Bata v. Central-Penn Nat'l Bank of Phila., 423 Pa. 373, 380 224 A.2d 174, 179 (1966). The pleading must be sufficiently averred so as to convince the court that the averments are not mere subterfuge. Id. In the complaint filed by plaintiff, the facts alleged are not sufficient to support an allegation of fraud. To the contrary, its broad allegations cause one to be concerned that it is mere supposition by the plaintiff.

Finally, the complaint is to be dismissed if these required standards are not met. Muhammad v. Strassburger, McKenna, Messer, Shilobod and Gutnick, 526 Pa. 541, 553, 587 A.2d 1346, 1352 (1991).

WHEREFORE, Defendant requests your Honorable Court dismiss plaintiff's complaint.

**E. Failure to Verify Complaint as Required by Pennsylvania Rules of Civil Procedure**

Pa. R.C.P. 1024 requires that every pleading containing an averment of fact (not appearing of record) be verified. Pa. R.C.P. 76 provides the definition of "verified." It states that the signer must state that the facts are true under oath or affirmation or they must state that it is averred to be true

subject to the penalties of 18 Pa.C.S. § 4904. The explanatory comment explains that under oath or affirmation means before a notary or other person authorized to administer oaths. Explanatory Comment-1981 following Rule 76 of Pa.R.C.P.

Plaintiff's complaint fails to meet this requirement and therefore should be stricken in its entirety. It is imperative that individuals averring facts as true to this Court do so with accountability. This Commonwealth's rules attempt to insure this is so and must be followed or cause the complaint to be stricken as having no basis in fact.

WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

## II. PRELIMINARY OBJECTION AS TO INCLUSION OF SCANDALOUS AND IMPERTINENT MATTER

Plaintiff has included impertinent and scandalous matters in his complaint. Some of this information is included in unnumbered paragraphs, some in the five numbered paragraphs. Again, it is difficult for defendant to intelligibly address items due to the complaint's failure to conform to the rule requiring paragraphing and numbering. What defendant can ascertain is that within every paragraph of plaintiff's complaint there is either impertinent material or scandalous material. Thus, defendant requests the complaint be stricken as a whole.



WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

III. PRELIMINARY OBJECTION AS TO INSUFFICIENT SPECIFICITY OF PLEADING

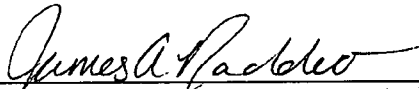
To determine if a pleading meets Pennsylvania's specificity requirements under Pa. R.C.P. 1019(f) and 1028(a)(3) a court must ascertain whether the allegations are "sufficiently specific so as to enable [a] defendant to prepare [its] defense." Smith v. Wagner, 403 Pa. Super. 316, 319, 588 A.2d 1308, 1310 (1991). The complaint as filed, does not advise the defendant clearly of how many causes of actions (counts) he will be expected to defend. It also fails to state the facts averred in a concise form, which makes it impossible for defendant to ascertain what he will need to defend. In addition, the complaint does not meet several other requirements of the rules of civil procedure. As a result, it is wholly insufficient and does not contain the specificity necessary to permit defendant to prepare a defense. Due to the pervasiveness of the failure of the complaint to comply with the rules and its inability to enable the defendant to prepare a defense, it should be wholly stricken as insufficient.

WHEREFORE, Defendant requests your Honorable Court strike plaintiff's complaint in its entirety.

IV. PRELIMINARY OBJECTION - LEGAL INSUFFICIENCY (DEMURRER)

As stated above, the complaint fails to meet several requirements as provided by the rules of civil procedure. Due to this failure, it is almost impossible for defendant to ascertain the cause of action (or actions) which the plaintiff purports to be alleging. Thus, it is difficult to determine what would be legally sufficient in the plaintiff's case. As the law stands a defendant is not required to speculate as to what counts or causes of action the plaintiff is attempting to allege. Moreover, it would be imprudent for the defendant to "put words in the mouth" of the plaintiff his adversary. For this reason, defendant contends the complaint as filed is legally insufficient in that it fails to state any cause of action whatsoever.

WHEREFORE, Defendant requests your Honorable Court enter a judgment in favor of the defendant and against the plaintiff, dismissing the action because of legal insufficiency (demurrer).

  
\_\_\_\_\_  
James A. Naddeo, Esquire  
Defendant

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

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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No. 2006 - 1282 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Preliminary Objections and Praecipe to Schedule Argument in the above-captioned action were served on the following person and in the following manner on the 25th day of October, 2006.

First-Class Mail, Postage Prepaid

Gary L. Passarelli  
110 Michlin Avenue  
Curwensville, PA 16833

  
James A. Naddeo, Esquire  
Defendant

CA

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

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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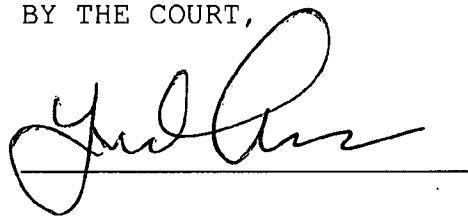
No. 2006 - 1282 - CD

ORDER

AND NOW, this 26 day of October,

2006, upon consideration of the Preliminary Objections  
filed by Defendant, it is the ORDER of this Court that  
argument upon Defendant's Preliminary Objections to  
Plaintiff's Complaint is scheduled for the 9<sup>th</sup>, day of November,  
2006, at 11:00 A.M. in Courtroom No.  
1, Clearfield County Courthouse, Clearfield,  
Pennsylvania.

BY THE COURT,



**FILED** ICC Atty Naddeo  
0/9:55 am  
OCT 27 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10-27-2006

X 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:

**FILED**

**OCT 27 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

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

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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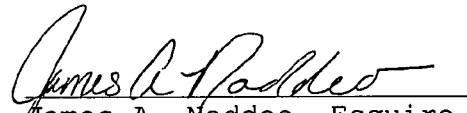
No. 2006 - 1282 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that  
a certified copy of the ORDER of the Court, entered on  
October 26, 2006, in the above-captioned action was served on  
the following person and in the following manner on the 27th  
day of October, 2006.

First-Class Mail, Postage Prepaid

Gary L. Passarelli  
110 Michlin Avenue  
Curwensville, PA 16833

  
James A. Naddeo, Esquire  
Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

GARY L. PASSERELLI

:

VS.

: NO. 06-1282-CD

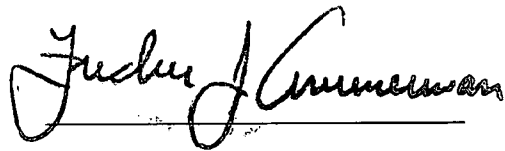
JAMES A. NADDEO

:

O R D E R

AND NOW, this 9th day of November, 2006, upon the Court's review of the filed documents and the Court believing that the Preliminary Objections filed on behalf of the Defendant are valid, it is the ORDER of this Court that Preliminary Objections are hereby granted with the exception of the Preliminary Objection as to inclusion, scandalous and impertinent matter and demurrer. The Plaintiff is hereby given no more than sixty (60) days in which to file an Amended Complaint to comply with the Rules of Civil Procedure.

BY THE COURT,



President Judge

**FILED**

NOV 15 2006

0/11:55/L (GR)  
William A. Shaw

Prothonotary/Clerk of Courts

LEFT TO PUFF.

↓  
DEPT.



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

FILED

9/11:40 am

JAN 26 2007

ICC Naddo

(60)

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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No. 2006 - 1282 - CD

William A. Shaw  
Prothonotary/Clerk of Courts

RULE

AND NOW, this 26 day of JAN, 2007, upon consideration of defendant's petition, a rule is issued on plaintiff, Gary L. Passerelli, in the above-captioned matter to show cause why judgment of non pros should not be entered against plaintiff.

Rule Returnable and argument thereon to be held the 5<sup>th</sup> of March, 2007, at 9:00 A.m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

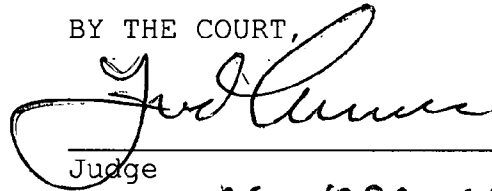
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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, Ext. 5982

BY THE COURT,



A handwritten signature in cursive script, appearing to read "Judge", is written over a horizontal line.

Judge

06-1282-CA

DATE: 1-26-2007

☒ 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:

**FILED**

**JAN 26 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

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

GARY L. PASSERELLI,  
Plaintiff,

v.

JAMES A. NADDEO,  
Defendant.

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\*  
\*  
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No. 2006 - 1282 - CD

**PETITION FOR JUDGMENT OF NON PROS**

NOW COMES the Defendant, James A. Naddeo, attorney at law, and petitions this Court pursuant to Pa. R.C.P. No. 1037(c) for the entry of judgment of non pros against Plaintiff, Gary L. Passerelli, and represents as follows:

1. Plaintiff commenced this civil action by complaint filed on August 11, 2006.

2. Plaintiff then on October 12, 2006 filed an Amendment to his complaint which amendment was a Notice to Defend.

3. Defendant filed preliminary objections to plaintiff's complaint on October 25, 2006.

4. By order dated November 9, 2006, this Court directed plaintiff to file an amended complaint within 60 days in order to comply with the Rules of Civil Procedure. A copy of the November 9, 2006, Order is attached as Exhibit "A."

5. Plaintiff has failed to file an amended complaint in accordance with the November 9, 2006, Order.

WHEREFORE, Defendant respectfully requests that this Court enter judgment of non pros against plaintiff and in favor of defendant.

A handwritten signature in cursive script, appearing to read "James A. Naddeo", written over a horizontal line.

James A. Naddeo, Esquire  
Defendant

NOV 15 2006

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

GARY L. PASSERELLI

:

VS.

: NO. 06-1282-CD

JAMES A. NADDEO

:

O R D E R

AND NOW, this 9th day of November, 2006, upon the Court's review of the filed documents and the Court believing that the Preliminary Objections filed on behalf of the Defendant are valid, it is the ORDER of this Court that Preliminary Objections are hereby granted with the exception of the Preliminary Objection as to inclusion, scandalous and impertinent matter and demurrer. The Plaintiff is hereby given no more than sixty (60) days in which to file an Amended Complaint to comply with the Rules of Civil Procedure.

BY THE COURT,

/s/ Fredric J. Ammerman

President Judge

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

NOV 15 2006

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

Exhibit "A"

FILED  
013306  
JAN 29 2007  
William A. Shaw  
Prothonotary/Clerk of Courts



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

GARY L. PASSERELLI,  
Plaintiff,

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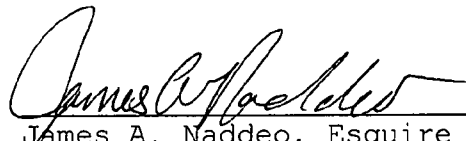
No. 2006 - 1282 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Rule and Petition for Non Pros in the above-captioned action was served on the following person and in the following manner on the 29th day of January, 2007.

First-Class Mail, Postage Prepaid

Gary L. Passarelli  
110 Michlin Avenue  
Curwensville, PA 16833

  
James A. Naddeo, Esquire  
Defendant

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

GARY L. PASSERELLI,  
Plaintiff

v.

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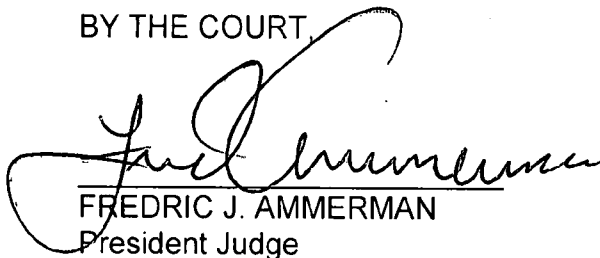
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NO. 06-1282-CD

**ORDER**

NOW, this 7<sup>th</sup> day of March, 2007, following argument of the Defendant's Petition for Judgment of Non Pros pursuant to Rule 1037(c), it is the ORDER of this Court that the said Petition be and is hereby GRANTED. The above-captioned case is hereby DISMISSED.

BY THE COURT

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

09:32 AM  
MAR 09 2007

William A. Shaw  
Prothonotary/Clerk of Courts

icc Naddeo  
icc Passarelli  
110 Michin Ave.  
Clemensville, PA 17083

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