

06-1454-CD
John C. Becker vs Ralph J. Bruzga et al

John Becker vs Ralph Bruzga et al
2006-1454-CD

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

JOHN C. BECKER, an
individual,
Plaintiff

v.

RALPH J. BRUZGA, an
individual, and SANDY HOSE CO
NO 1 a/k/a SANDY HOSE CO NO
ONE t/d/b/a SANDY CLUB and/or
t/d/b/a SANDY FIREMAN'S CLUB, a
non-profit corporation,
Defendants

:
: CIVIL DIVISION
:
: No. 2006 - 1454 - C.D.
:
: Type of Pleading:
: **Complaint**
:
: Filed on Behalf of:
: Plaintiff
:
:
: Counsel of Record for this
: Party:
: Mary L. Pothoven, Esq.
: Supreme Court ID #72164
: 600 E. Main Street
: PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED *Any pd.*
m/11:20/01 85.00
SEP 08 2006
William A. Shaw *dec shff*
Prothonotary/Clerk of Courts *1cc Any*

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

JOHN C. BECKER, an	:
individual,	:
Plaintiff	: CIVIL DIVISION
	:
v.	: No. 2006 - _____ C.D.
	:
	:
RALPH J. BRUZGA, an	:
individual, and SANDY HOSE CO	:
NO 1 a/k/a SANDY HOSE CO NO	:
ONE t/d/b/a SANDY CLUB and/or	:
t/d/b/a SANDY FIREMAN'S CLUB, a	:
non-profit corporation,	:
Defendants	:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
814-756-2641 Ext. (5982)

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

JOHN C. BECKER, an	:
individual,	:
Plaintiff	: CIVIL DIVISION
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	: No. 2006 - _____ C.D.
	:
v.	:
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RALPH J. BRUZGA, an	:
individual, and SANDY HOSE CO	:
NO 1 a/k/a SANDY HOSE CO NO	:
ONE t/d/b/a SANDY CLUB and/or	:
t/d/b/a SANDY FIREMAN'S CLUB, a	:
non-profit corporation,	:
Defendants	:

COMPLAINT

AND NOW, comes the Plaintiff, by his attorney, MARY L. POTHOVEN, ESQUIRE, and brings this Complaint of which the following is a concise statement: .

GENERAL ALLEGATIONS AS TO ALL COUNTS

1. The Plaintiff, John C. Becker, is a sui juris adult who resides at 258 Wardell Lane, Brookville, Jefferson County, Pennsylvania 15825.

2. The Defendant, Ralph J. Bruzga, is a sui juris adult who resides at 901 West Long Avenue, DuBois, Clearfield County, Pennsylvania 15801.

3. The Defendant, Sandy Hose Co. No. 1 a/k/a Sandy Hose Co. No. One a/k/a Sandy Club a/k/a Sandy Fireman's Club, is a non-profit corporation with its principal office and regular place of business located at 15 Forest Avenue, DuBois, Pennsylvania 15801. Upon information and belief, at all times relevant hereto, Sandy Hose Co. No. 1 a/k/a Sandy Hose Co. No. One, owned, possessed, controlled, operated, managed and maintained an establishment know as the Sandy Club a/k/a the Sandy Fireman's Club, located at 15 Forest Avenue, DuBois, PA 15801, which establishment is engaged in the sale of liquor and other intoxicating beverages to guests, patrons, and/or members, for consumption on the club premises. For purposes of brevity, hereinafter the Defendant, Sandy Hose Co. No. 1 a/k/a Sandy Hose Co. No. One t/d/b/a Sandy Club and/or t/d/b/a Sandy Fireman's Club, will be referred to as Sandy Hose Co. No. 1.

4. At all times relevant hereto, Defendant, Sandy Hose Co. No. 1 was the owner and holder of a Pennsylvania retail liquor license pursuant to the Pennsylvania Liquor Code, 47 Pa. Stat. Ann. § 4-401, entitling Defendant, Sandy Hose Co. No. 1, to sell and dispense intoxicating beverages for consumption on the premises by guests, patrons, and/or members.

5. That at all times material to the within Complaint, the Defendant, Ralph J. Bruzga, was the owner and operator of a 1997 Chrysler CXI bearing Pennsylvania Title Number

1C3EJ56X4VN532399 and Pennsylvania Registration Plate Number EVR87790. Hereinafter, said vehicle will be referred to as the Bruzga vehicle.

6. That at all times material to the within Complaint, the Plaintiff, John C. Becker, was the operator of a 1988 Harley - Davison, owned by Melissa L. Kriner, bearing Pennsylvania Title Number 1HD4CEM16J4133890 and Pennsylvania Registration Plate Number RBJ73. Hereinafter, said vehicle will be referred to as the Becker vehicle.

7. That on September 22, 2005 Defendant, Ralph J. Bruzga, entered the premises owned and operated by the Defendant, Sandy Hose Club No. 1 and remained on the premises until shortly before 10:45 p.m.

8. At all time relevant hereto, Defendant, Sandy Hose Co. No. 1, and its agents, servants and/or employees, had a duty to obey the requirements of the Pennsylvania Liquor Code prohibiting the service of alcoholic beverages to persons incapable of handling alcohol and/or persons visibly intoxicated.

9. On September 22, 2005, Defendant, Sandy Hose Co. No. 1, through its agents, servants, and/or employees, caused to be furnished, provided, sold, and/or supplied, alcoholic beverages to Defendant, Ralph J. Bruzga, while said individual was a

patron of the Defendant, Sandy Hose Co. No. 1 and while said individual was visibly intoxicated.

10. On September 22, 2005, Defendant, Ralph J. Bruzga, was furnished, provided, sold, and/or supplied, alcoholic beverages to excess by Defendant, Sandy Hose Co. No. 1, through its agents, servants, and/or employees, despite the fact that he was visibly intoxicated.

11. On September 22, 2005, Defendant, Ralph J. Bruzga, exited Sandy Hose Co. No. 1 while visibly intoxicated.

12. That on September 22, 2005 the Defendant, Ralph J. Bruzga, within minutes after leaving Defendant, Sandy Hose Co. No. 1's premises, and while still in an intoxicated state, was involved in the automobile accident which is the subject of this Complaint.

13. That on September 22, 2005 at approximately 10:45 p.m., Defendant, Ralph J. Bruzga, was operating the Bruzga vehicle in a northerly direction on South Main Street in the City of DuBois, Clearfield County.

14. That as Defendant was apparently attempting to make a left hand turn on West Washington Avenue, he crossed the center of the roadway into the path of the Becker vehicle striking the same.

15. That at all times materials to the within Complaint the Defendant, John C. Becker, was traveling in

his lane of travel in a southerly direction on South Main Street.

16. The Plaintiff, John C. Becker, was thrown from the motorcycle and while lying on the roadway he was run over by the Bruzga vehicle.

17. The foregoing collision and all of the injuries and damages set forth herein sustained by the Plaintiff, John C. Becker, were the direct and proximate result of the carelessness, recklessness, and negligence of the Defendant, Ralph J. Bruzga and/or the Defendant, Sandy Hose Co. No. 1.

18. As a direct and proximate result of the collision, the Plaintiff, John C. Becker, suffered various injuries including, but not limited to: traumatic brain injury; comminuted nasal bone fracture at the tip with minimal perinasal soft tissue swelling; fracture of the 4th and 5th metacarpal bones; displaced fractures of the right 9th, left 9th, and left 10th ribs; collapsed right lung; right adrenal gland lesion; extensively comminuted and displaced fracture of the right sacrum extending from sacral ala to S5 sacral segment and involving the right sacral neural foramina; fracture involving right S1 vertebral body posteriorly; urethral rupture; displaced fracture of the right transverse process of L5 vertebra; large soft tissue

hematoma anterior to the sacral fracture; complete diastasis of the pubis symphysis with interposed soft tissue hematoma; compression fracture of the T3 vertebral body; lacerations and swelling mid frontal scalp and right posterior parietal scalp; left thigh abscess; and aggravation of pre-existing right ankle injury.

19. As a direct and proximate result of said injuries, the Plaintiff, John C. Becker, has suffered emotional and physical suffering, inconvenience and agony and will continue to suffer the same indefinitely into the future.

20. As a direct and proximate result of said injuries, the Plaintiff, John C. Becker, has incurred, and in the future will incur, various expenses and bills for necessary and reasonable medical services and treatment in an effort to care for and alleviate his injuries.

21. Because of said injuries, the Plaintiff's general health, strength and vitality has been impaired and diminished and will continue to be so indefinitely into the future and his ability to enjoy and live a full and beneficial life has been impaired and diminished and will continue to be so indefinitely into the future.

22. As a result of the collision, Plaintiff, John C. Becker, has incurred various miscellaneous expenses.

23. Because of said injuries, the Plaintiff, John C. Becker, has suffered permanent bodily injuries resulting in permanent physical limitations.

24. Because of said injuries, Plaintiff suffered serious bodily injuries which are permanent in nature, have caused him in the past, and will cause him great pain of mind and body in the future, requiring him to incur expenses in the past and indefinitely into the future for medical attention and hospital care.

25. Solely as a result of the injuries caused by aforesaid accident, Plaintiff's capacity to earn a living until the present has been impaired, and his capacity to earn a living in the future has been impaired.

26. As a further result of the injuries caused by aforesaid accident, there has been a loss of earnings, earning capacity, fringe benefits, retirement income, and other economic losses.

COUNT ONE
John C. Becker, Plaintiff
vs.
Ralph J. Bruzga, Defendant
Negligence

27. Paragraphs 1 through 26 are incorporated herein by reference and made a part hereof.

28. The collision was solely, jointly and/or severally the result of the recklessness, negligence and carelessness of the Defendant in that he:

(a) operated his vehicle in an inattentive manner;

(b) failed to pay proper attention to the operation of his vehicle in disregard to the position and safety of others;

(c) operated his vehicle in disregard to the position and safety of others;

(d) operated his motor vehicle in a careless, reckless and negligent manner;

(e) failed to observe the traffic rules and regulations of the Commonwealth of Pennsylvania including, but not limited to:

i. 75Pa.C.S.A §1543 §§a Driving while operating privilege is suspended or revoked;

ii. 75Pa.C.S.A §1543 §§b1 Driving while operating privilege is suspended or revoked pursuant to §3731/1547b1;

iii. 75Pa.C.S.A §3301 §§a Driving on right side of roadway;

iv. 75Pa.C.S.A §3322 Vehicle turning left;
75Pa.C.S.A §3714 §§c Careless driving - serious
bodily injury;

v. 75Pa.C.S.A §3735.1 §§a Aggravated
assault by vehicle while driving under the
influence;

vi. 75Pa.C.S.A §3736 Reckless driving;
75Pa.C.S.A §3742 §§a Accidents involving death or
personal injury;

vii. 75Pa.C.S.A §3742.1 §§a Accidents
involving death or personal injury while not
properly licensed;

viii. 75Pa.C.S.A §3743 §§a Accidents
involving damage to attended vehicle or property;

ix. 75Pa.C.S.A §3744 §§a Duty to give
information and render aid; Careless driving -
serious bodily injury;

x. 75Pa.C.S.A §3746 §§a1 immediate notice
of accident to police department/injury or death;
and

xi. 75Pa.C.S.A §3802 §§a1 Driving under
the influence of alcohol or controlled substance;

(f) proceeding into the left lane without first
ascertaining it was safe to proceed;

(g) operated his vehicle at a speed greater than was reasonable under the circumstances;

(h) failed to operate his vehicle with due regard for the highway, weather and traffic conditions which existed or which he was aware of or should have been aware of;

(i) failed to have his vehicle under proper and adequate control so as to prevent his vehicle from striking the Becker vehicle;

(j) failed to apply the brakes in time to avoid the collision;

(k) improperly applied his brakes;

(l) permitted or allowed his vehicle to strike and collide with the Becker vehicle;

(m) failed to keep a reasonable look-out for other vehicles lawfully on the road;

(n) failing to use due care under the circumstances;

(o) failing to notice the Becker vehicle lawfully traveling in a southerly direction on South Main Street; and

(p) failing to take evasive action to avoid impacting with the Becker vehicle.

WHEREFORE, Plaintiff, John C. Becker, prays for a judgment against the Defendant, Ralph J. Bruzga, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and requests such other relief as your Honorable Court deems appropriate.

COUNT TWO
John C. Becker, Plaintiff
vs.
Sandy Hose Co. No. 1, Defendant

29. Paragraphs 1 through 28 are incorporated herein by reference and made a part hereof.

30. The aforesaid accident was caused by the impaired condition of Defendant, Ralph J. Bruzga, resulting from his intoxication, which intoxication was directly and proximately caused by the aforesaid improper and unlawful service by Defendant, Sandy Hose Co. No. 1, of intoxicating beverages to Defendant, Ralph J. Bruzga.

31. At all time relevant hereto, Defendant, Sandy Hose Co. No. 1, and its agents, servants and/or employees, had a duty to exercise proper care in the sale, supply, furnishing and/or providing of alcoholic beverages so as to protect members of the public generally and the Plaintiff in particular, from the dangers and hazards posed by intoxicated persons.

32. At no time did Defendant, Sandy Hose Co. No. 1, and/or its agents, servants, and/or employees, attempt to stop serving

alcohol to Defendant, Ralph J. Bruzga, any/or otherwise take any measures or steps to protect Plaintiff from the foreseeable dangers arising from, serving of alcohol in excess.

33. Pursuant to the Pennsylvania Liquor Code, 47 Pa. Stat. Ann. § 4-497, defendant, Sandy Hose Co. No. 1, is liable for the damages to the Plaintiff caused by the Defendant, Ralph J. Bruzga, as Defendant, Ralph J. Bruzga, was, as above alleged, visibly intoxicated when served by Defendant, Sandy Hose Co. No. 1.

34. The negligence, carelessness, recklessness, and wrongful and liability-producing conduct of the Defendant, Sandy Hose Co. No. 1 consists of the following:

- a) providing, supplying, furnishing, serving and/or selling alcoholic beverages to Defendant, Ralph J. Bruzga, while visibly intoxicated;
- b) permitting others to provide, supply, furnish, serve and/or sell alcoholic beverages to Defendant, Ralph J. Bruzga, while visibly intoxicated;
- c) negligence per se and/or strict liability for violations of Pennsylvania Crime Codes, Pennsylvania Liquor Code, including, but not limited to, the sale, supply and/or furnishing of alcoholic beverages to persons visibly intoxicated,

- by liquor licenses, their agents, servants, and/or employees;
- d) violations of statutes giving rise to civil liability;
- e) respondeat superior and/or vicarious liability for acts and omissions of agents, servants, and/or employees; and property owners;
- f) failing to prevent Defendant, Ralph J. Burzga, from exiting the premises and/or driving while visibly intoxicated; and
- g) failing to take any steps whatsoever to protect plaintiff from criminal acts of Defendant, Ralph J. Bruzga, which acts were foreseeable following his visible intoxication on the premises of Defendant, Sandy Hose Co. No. 1.

WHEREFORE, Plaintiff, John C. Becker, prays for a judgment against the Defendant, Sandy Hose Co. No. 1, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and requests such other relief as your Honorable Court deems appropriate.

COUNT THREE
John C. Becker, Plaintiff
vs.
Ralph J. Bruzga, Defendant
Punitive Damages

35. Paragraphs 1 through 34 are incorporated herein by reference and made a part hereof.

36. The liability-producing conduct of Defendant, Ralph J. Bruzga, as set forth herein, was outrageous, done in a willful and wanton fashion, with conscious indifference and/or reckless disregard for the safety of the public generally and Plaintiff specifically, malicious and/or intentional and so egregious as to be beyond the bounds of decency in a civilized society, and was in direct violation of specific ordinances, laws, statutes, and regulations.

37. It is believed and therefore averred that Defendant, Ralph J. Bruzga, on numerous occasions in the past, violated applicable state and local laws, statutes, ordinances, and regulations, as specifically set forth in paragraph 28.

38. The very nature, quantity and type of violations of statutory provisions, which resulted in the severe injuries to the Defendant, John C. Becker, evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

WHEREFORE, Plaintiff, John C. Becker, prays for a judgment against the Defendant, Ralph J. Bruzga, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00)

and requests such other relief as your Honorable Court
deems appropriate.

COUNT FOUR
John C. Becker, Plaintiff
vs.
Sandy Hose Co. No. 1, Defendant
Punitive Damages

39. Paragraphs 1 through 38 are incorporated herein by
reference and made a part hereof.

40. The liability-producing conduct of Defendant,
Sandy Hose Co. No. 1, its agents, servants, and/or
employees, as set forth herein, was outrageous, done in a
willful and wanton fashion, with conscious indifference
and/or reckless disregard for the safety of the public
generally and Plaintiff specifically, malicious and/or
intentional and so egregious as to be beyond the bounds of
decency in a civilized society, and was in direct violation
of specific ordinances, laws, statutes, and regulation

41. It is believed and therefore averred that
Defendant, Sandy Hose Co. No. 1, in the past, violated
applicable state and local laws, ordinances, laws,
statutes, and regulations, as specifically set forth in
paragraph 34.

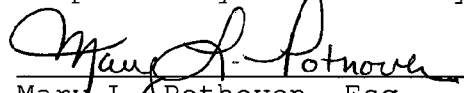
42. The very nature, quantity and type of violations

of statutory provisions, which resulted in the severe injuries to the Defendant, John C. Becker, evidences outrageous, malicious, and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

WHEREFORE, Plaintiff, John C. Becker, prays for a judgment against the Defendant, Sandy Hose Co. No. 1, in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00) and requests such other relief as your Honorable Court deems appropriate.

Date: 9-5-06

Respectfully submitted by:


Mary L. Pothoven, Esq.
Attorney for Plaintiff

VERIFICATION

I, John C. Becker, verify the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and that I understand that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authority.



John C. Becker

FILED

SEP 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101904
NO: 06-1454-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: JOHN C. BECKER

vs.

DEFENDANT: RALPH J. BRUZGA, an ind. and SANDY HOSE CO NO. 1 aka SANDY HOSE CO. NO
ONE t/d/b/a SANDY CLUB and/or t/d/b/a SANDY FIREMAN'S CLUB

SHERIFF RETURN

NOW, September 18, 2006 AT 11:54 AM SERVED THE WITHIN COMPLAINT ON RALPH J. BRUZGA
DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA, BY HANDING TO RALPH J. BRUZGA, DEFENDANT A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

FILED
NOV 13 2006
07/23/06
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101904
NO: 06-1454-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: JOHN C. BECKER

VS.

DEFENDANT: RALPH J. BRUZGA, an ind. and SANDY HOSE CO NO. 1 aka SANDY HOSE CO. NO ONE t/d/b/a SANDY CLUB and/or t/d/b/a SANDY FIREMAN'S CLUB

SHERIFF RETURN

NOW, September 13, 2006 AT 2:13 PM SERVED THE WITHIN COMPLAINT ON SANDY HOSE COMPANY NO. 1 aka SANDY HOSE CO NO ONE tdba SANDY CLUB and/or tdba SANDY FIREMAN'S CLUB DEFENDANT AT 15 FOREST AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JEFF SIMBECK, HEAD STEWARD A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101904
NO: 06-1454-CD
SERVICES 2
COMPLAINT

PLAINTIFF: JOHN C. BECKER

vs.

DEFENDANT: RALPH J. BRUZGA, an ind. and SANDY HOSE CO NO. 1 aka SANDY HOSE CO. NO
ONE t/d/b/a SANDY CLUB and/or t/d/b/a SANDY FIREMAN'S CLUB

SHERIFF RETURN

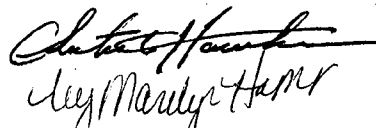
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	TORRETTI	30011	20.00
SHERIFF HAWKINS	TORRETTI	30011	59.21

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

FILED

NOV 13 2006

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,

CIVIL DIVISION

Plaintiff,

No. 2006 - 1454 C.D.

v.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,

PRAECIPE FOR APPEARANCE

Defendants.

Filed on behalf of Defendant,
Sandy Hose Co. No. 1, a/k/a Sandy Hose
Co. No. One, t/d/b/a Sandy Club and/or
t/d/b/a Sandy Fireman's Club, a non-profit
Corporation

Counsel of record for this party:

MILES A. KIRSHNER, ESQUIRE
PA I.D. # 46426

MARGOLIS EDELSTEIN
PA Firm I.D. # 244

310 Grant Street
1500 Grant Building
Pittsburgh, PA 15219
PH: [412] 281 - 4256

JURY TRIAL DEMANDED

FILED No CC.
M/11:00 am
NOV 13 2006 

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,

CIVIL DIVISION

Plaintiff,

No. 2006 - 1454 C.D.

v.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,

Defendants.

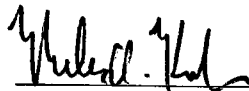
PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Please enter the appearance of MILES A. KIRSHNER, ESQUIRE and MARGOLIS EDELSTEIN on behalf of Defendant SANDY HOSE CO. NO. 1, a/k/a SANDY HOSE CO. NO. ONE, t/d/b/a SANDY CLUB and/or t/d/b/a SANDY FIREMAN'S CLUB, a non-profit Corporation, in the above-captioned matter.

MARGOLIS EDELSTEIN

By:



Miles A. Kirshner, Esquire
Attorneys for Defendant,
Sandy Hose Co. No. 1, a/k/a Sandy Hose
Co. No. One, t/d/b/a Sandy Club and/or
t/d/b/a Sandy Fireman's Club, a non-profit
Corporation

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing
was sent to the following parties/counsel of record, by First-class mail, postage pre-paid, this

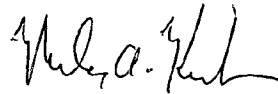
26 day of November, 2006:

Mary L. Pothoven, Esquire
600 E. Main Street
P.O. Box 218
Reynoldsville, PA 15851
[Counsel for Plaintiff]

Ralph J. Bruzga [Defendant *pro se*]
901 West Long Avenue
Dubois, PA 15801

MARGOLIS EDELSTEIN

By:



Miles A. Kirshner, Esquire
Attorneys for Defendant,
Sandy Hose Co. No. 1, a/k/a Sandy Hose
Co. No. One, t/d/b/a Sandy Club and/or
t/d/b/a Sandy Fireman's Club, a non-profit
Corporation

FILED

NOV 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

MARGOLIS EDELSTEIN

ATTORNEYS AT LAW
www.margolisedelstein.com

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THE GRANT BUILDING, SUITE 1500
PITTSBURGH, PA 15219
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FAX 412-642-2380

PHILADELPHIA OFFICE:
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601 WALNUT STREET
INDEPENDENCE SQUARE WEST
PHILADELPHIA, PA 19106-3304
215-922-1100
FAX 215-922-1772

HARRISBURG OFFICE:
3510 TRINDLE ROAD
CAMP HILL, PA 17311
717-975-8114
FAX 717-975-8124

SCRANTON OFFICE:
THE OPPENHEIM BUILDING
409 LACKAWANNA AVENUE
SUITE 3C
SCRANTON, PA 18503
570-342-4231
FAX 570-342-4841

SOUTH NEW JERSEY OFFICE:
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216 HADDON AVENUE, 2ND FLOOR
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FAX 856-858-1017

NORTH NEW JERSEY OFFICE:
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BERKELEY HEIGHTS, NJ 07922
908-790-1401
FAX 908-790-1486

DELAWARE OFFICE:
1509 GILPIN AVENUE
WILMINGTON, DE 19806
302-777-4680
FAX 302-777-4682

MILES A. KIRSHNER

+ WV Bar Also
DIRECT DIAL
(412) 355-4962

mkirshner@margolisedelstein.com

November 8, 2006

Office of the Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

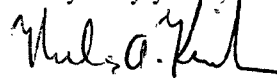
RE: John C. Becker v. Sandy Hose Co. No. 1, et al
No. 2006-1454 C.D. {Clearfield County, PA}
Our File # 41001.2-00089/MAK

Gentlemen:

Enclosed for filing, please find my Praecept for Appearance as filed on behalf of Defendants Sandy Hose Co. No. 1, a/k/a Sandy Hose Co. No. One, t/d/b/a Sandy Club and/or t/d/b/a Sandy Fireman's Club in the above matter.

Please return one date-stamped cover sheet to my attention in the self-addressed envelope attached. Thanks for your attention to this matter.

Very truly yours,



Miles A. Kirshner

MAK:mau

Enclosures

cc: MaryL. Pothoven, Esq.
Ralph J. Bruzga
[both w/encl]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,

CIVIL DIVISION

Plaintiff,

No. 2006 - 1454 C.D.

v.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,

**VERIFICATION OF SERVICE OF
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFF**

Defendants.

Filed on behalf of Defendant,
Sandy Hose Co. No. 1, a/k/a Sandy Hose
Co. No. One, t/d/b/a Sandy Club and/or
t/d/b/a Sandy Fireman's Club, a non-profit
Corporation

Counsel of record for this party:

MILES A. KIRSHNER, ESQUIRE
PA I.D. # 46426

MARGOLIS EDELSTEIN
PA Firm I.D. # 244

310 Grant Street
1500 Grant Building
Pittsburgh, PA 15219
PH: [412] 281 - 4256

JURY TRIAL DEMANDED

FILED

NOV 20 2006

m/12:10/12

William A. Shaw
Prothonotary/Clerk of Courts

No 4/c

VERIFICATION OF SERVICE

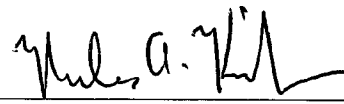
The undersigned does hereby verify that a true and correct copy of the foregoing
REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF was
sent to the following counsel of record, by First-class mail, postage pre-paid, this 17th day of
November, 2006:

Mary L. Pothoven, Esquire
600 E. Main Street
P.O. Box 218
Reynoldsville, PA 15851
[Counsel for Plaintiff]

Ralph J. Bruzga [Defendant *pro se*]
901 West Long Avenue
Dubois, PA 15801

MARGOLIS EDELSTEIN

By:



Miles A. Kirshner, Esquire
Attorneys for Defendant,
Sandy Hose Company No. 1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,

CIVIL DIVISION

Plaintiff,

No. 2006 - 1454 C.D.

v.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,

**ANSWER, NEW MATTER AND
NEW MATTER PURSUANT TO
PA R.C.P. 2252(d)**

Defendants.

Filed on behalf of Defendant,
Sandy Hose Co. No. 1

Counsel of record for this party:

MILES A. KIRSHNER, ESQUIRE
PA I.D. # 46426

MARGOLIS EDELSTEIN
PA Firm I.D. # 244

310 Grant Street
1500 Grant Building
Pittsburgh, PA 15219
PH: [412] 281 - 4256

JURY TRIAL DEMANDED

TO: ALL PARTIES

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN
RESPONSE TO THE ENCLOSED **NEW MATTER and
NEW MATTER PURSUANT TO RULE 2252(D)**
WITHIN TWENTY [20] DAYS FROM SERVICE
HEREOF OR A DEFAULT JUDGMENT MAY BE
ENTERED AGAINST YOU.

MARGOLIS EDELSTEIN

BY 

ATTORNEYS FOR DEFENDANT SANDY HOSE CO. NO. 1

FILED NO
NOV 30 2006 CC

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,

CIVIL DIVISION

Plaintiff,

No. 2006 - 1454 C.D.

v.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,

Defendants.

**ANSWER, NEW MATTER AND NEW MATTER
PURSUANT TO PA. R.C.P. 2252(D)**

AND NOW comes Defendant Sandy Hose Co., No. 1, by its attorneys MARGOLIS EDELSTEIN and MILES A. KIRSHNER, ESQUIRE, and files the within Answer New Matter and New Matter pursuant to Pa. R.C.P. 2252(d):

1. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

2. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

3. Admitted in part and denied in part. It is admitted that the defendant, properly named Sandy Hose Co. No. 1 is a not-for-profit corporation, which operates an establishment at 15 Forest Avenue, DuBois, PA 15801, and it is further admitted that alcoholic beverages are served at this

establishment. All other allegations set forth at paragraph 3 of the Complaint are denied. By way of further response, see the Stipulation of the parties through which the caption of this action has been corrected and simplified.

4. Admitted in part. It is admitted that, at the time of the incident described in the Complaint, that Sandy Hose Co. No. 1 held a valid Pennsylvania retail liquor license.

5. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

6. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

7. Admitted in part and denied in part. It is admitted that on September 22, 2005, co-defendant Bruzga was a patron at Sandy Hose Co. No. 1. It is denied, however, that Mr. Bruzga remained on the premises "until shortly before 10:45 p.m.," and on the contrary, this defendant believes that Mr. Bruzga left its establishment at approximately 9:30 p.m.

8. The allegations contained in paragraph 8 contain conclusions of law to which no responsive pleading is required. To the extent a factual response may be deemed required, it is denied that this defendant violated any duty imposed upon it by law.

9. Admitted in part and denied in part. It is admitted that, on September 22, 2005, Bruzga was served alcoholic beverage at Sandy Hose Co. No. 1. It is expressly denied, however, that Bruzga was served alcoholic beverages at a time when he was visibly intoxicated, and on the contrary, Bruzga was not visibly intoxicated when served at this defendant's establishment.

10. Admitted in part and denied in part. It is admitted that the service of alcohol to Bruzga, at Sandy Hose Co. No. 1, on September 22, 2005 was by employees of this defendant. It is expressly denied, however, that Bruzga was served alcoholic beverages to excess, or at a time when he was visibly intoxicated, and on the contrary, Bruzga was not visibly intoxicated when served at this defendant's establishment.

11. Denied. By way of further answer, regardless of whether Bruzga was visibly intoxicated upon departure from Sandy Hose Co. No. 1, he was not visibly intoxicated when served at said establishment on September 22, 2005.

12. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 12. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial. By way of further answer, however, to the best of the knowledge, information and belief of this defendant, the incident giving rise to this action did not occur "within minutes" after Bruzga left Sandy Hose Co., No. 1, and on the contrary, this defendant believes that Bruzga left its establishment at approximately 9:30 p.m.

13. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

15. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

16. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 16. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of those allegations contained in paragraph 17 of the Complaint which relate to co-defendant Bruzga. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial. By way of further answer, the allegations set forth at paragraph 17 are denied as to Sandy Hose Co. No. 1, pursuant to Pa. R.C.P. 1029(e).

18. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

19. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

20. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

21. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 21. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

22. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

23. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

24. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

25. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 25. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

26. After reasonable investigation, defendant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26. The same are therefore deemed denied and strict proof thereof is demanded at the time of trial.

COUNT I
Becker v. Bruzga

27. Defendant Sandy Hose Co. No. 1 adopts and incorporates by reference its answers to paragraphs 1-26, above.

28. Upon information and belief, the allegations set forth at paragraph 28 of the Complaint are directed to a party other than this answering defendant. This defendant therefore declines to respond to said allegations.

COUNT II
Becker v. Sandy Hose Co. No. 1

29. Defendant Sandy Hose Co. No. 1 adopts and incorporates by reference its answers to paragraphs 1-28, above.

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

31. The allegations contained in paragraph 31 contain conclusions of law to which no responsive pleading is required. To the extent a factual response may be deemed required, it is denied that this defendant violated any duty imposed upon it by law.

32. The allegations set forth at paragraph 32 of the Complaint are denied as stated, and on the contrary, Bruzga was not visibly intoxicated when served alcohol at Sandy Hose Co. No. 1 on the date of the incident described in the Complaint.

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

34. Defendant Sandy Hose Co. No. 1 denies negligence in this case. In particular, this defendant denies serving alcohol to Bruzga at a time when he was visibly intoxicated. By way of further answer, this defendant denies each and every particular allegation of negligence, as set forth at paragraph 34 (a) - (g) of the Complaint, inclusive, pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, Defendant Sandy Hose Co. No. 1 demands judgment in its favor.

COUNT III
Becker v. Bruzga - Punitive Damages

35. Defendant Sandy Hose Co. No. 1 adopts and incorporates by reference its answers to paragraphs 1-34, above.

36. Upon information and belief, the allegations set forth at Count III of the Complaint, including paragraph 36, are directed to a party other than Sandy Hose Co., No. 1. Said defendant therefore declines to respond to said allegations.

37. Upon information and belief, the allegations set forth at Count III of the Complaint, including paragraph 37, are directed to a party other than Sandy Hose Co., No. 1. Said defendant therefore declines to respond to said allegations.

38. Upon information and belief, the allegations set forth at Count III of the Complaint, including paragraph 38, are directed to a party other than Sandy Hose Co., No. 1. Said defendant therefore declines to respond to said allegations.

WHEREFORE, Defendant Sandy Hose Co., No. 1 demands judgment in its favor.

COUNT IV
Becker v. Sandy Hose Co., No. 1 - Punitive Damages

39. Defendant Sandy Hose Co. No. 1 adopts and incorporates by reference its answers to paragraphs 1-38, above.

40. Pursuant to the Stipulation of the parties, Count IV of the Complaint, including paragraph 40, has been stricken, and no further response is required of this defendant.

41. Pursuant to the Stipulation of the parties, Count IV of the Complaint, including paragraph 41, has been stricken, and no further response is required of this defendant.

42. Pursuant to the Stipulation of the parties, Count IV of the Complaint, including paragraph 42, has been stricken, and no further response is required of this defendant.

WHEREFORE, Defendant Sandy Hose Co., No. 1 demands judgment in its favor.

NEW MATTER

43. On September 22, 2005, Ralph Bruzga was a patron at the social club operated by Sandy Hose Co., No. 1, and was served exactly two glasses of draft beer.

44. At the time Bruzga was served, he did not display visible signs of intoxication. On the contrary Bruzga:

- a. Was able to carry on a clear conversation with those around him;
- b. Did not slur his speech;
- c. Was neither loud nor boisterous in any way;
- d. Did not stink of alcohol;
- e. Did not sway or have an unsteady gait; and
- f. Did not convey to those around him the perception that he had drunk alcohol to excess.

45. To the best of the knowledge, information and belief of this defendant, Bruzga left Sandy Hose Co., No. 1 at approximately 9:30 p.m. on September 22, 2005.

46. This defendant raises the provisions of the Pennsylvania Comparative Negligence Act, and claims the benefit of all defenses to which it may be entitled pursuant to said Act. Sandy Hose Co., No. 1 was not present at the scene of the motor vehicle accident giving rise to this action and does not know the facts surrounding said incident. If it should be determined in the course of discovery, or at the time of trial, however, that the injuries and damages sustained by the plaintiff

were caused by or were the result of his own negligence with respect to the operation of the motorcycle he was riding, then and in that event, his recovery must be reduced and/or barred by said comparative and/or contributory negligence.

WHEREFORE, Defendant Sandy Hose Co., No. 1 demands judgment in its favor.

New Matter Pursuant to Rule 2252(d)
Sandy Hose Co., No. 1 v. Bruzga

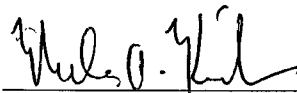
47. If it should be determined at the time of trial that this Defendant is liable to the plaintiff in any way, under any theory of law, which allegation has been expressly denied, then and in that event, this defendant asserts a cross claim against co-defendant Ralph Bruzga. The basis for this cross claim is set forth in Plaintiff's Complaint, and in the foregoing New Matter, each of which is adopted and incorporated by reference as if set forth more fully at length herein.

48. If it should be determined at the time of trial that this Defendant is liable to the plaintiff in any way, under any theory of law, which allegation has been expressly denied, then and in that event, co-defendant Bruzga is liable to Sandy Hose Co., No. 1 for contribution and/or indemnification.

WHEREFORE, Defendant Sandy Hose Co., No. 1 demands judgment in its favor.

Respectfully submitted,

MARGOLIS EDELSTEIN



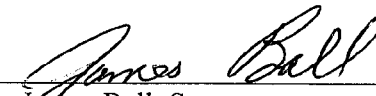
Miles A. Kirshner, Esquire
Attorneys for Defendant,
Sandy Hose Co., No. 1

VERIFICATION

The undersigned James Ball, Secretary of Sandy Hose Co. No. 1, Defendant herein, and who as such is authorized to make this Verification on its behalf, does aver that the statements of fact contained in the foregoing **ANSWER AND NEW MATTER** are true and correct to the best of his knowledge and belief, and are made subject to the penalties of 18 PA. C.S.A. §4904, relating to unsworn falsification to authorities.

SANDY HOSE CO. NO. 1

Date: Nov 22 2006


By: James Ball, Secretary

CERTIFICATE OF SERVICE

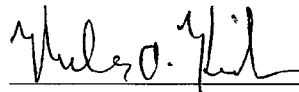
The undersigned does hereby certify that a true and correct copy of the foregoing
ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO PA R.C.P. 2252(D)
was sent to the following parties/counsel of record, by First-class mail, postage pre-paid, this
28th day of November, 2006:

Mary L. Pothoven, Esquire
600 E. Main Street
P.O. Box 218
Reynoldsville, PA 15851
[Counsel for Plaintiff]

Ralph J. Bruzga [Defendant *pro se*]
901 West Long Avenue
Dubois, PA 15801

MARGOLIS EDELSTEIN

By:



Miles A. Kirshner, Esquire
Attorneys for Defendant,
Sandy Hose Co. No. 1, a/k/a Sandy Hose
Co. No. One, t/d/b/a Sandy Club and/or
t/d/b/a Sandy Fireman's Club, a non-profit
Corporation

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

: CIVIL DIVISION
:
: No. 2006-1454 C.D.
:
: Type of Pleadings: **NOTICE**
: **OF SERVICE OF PLAINTIFF'S**
: **ANSWERS TO DEFENDANT'S**
: **REQUEST FOR PRODUCTION OF**
: **DOCUMENTS**
:
:
: Filed on behalf of Plaintiff:
: John C. Becker
:
: Counsel of record for this
: party:
:
: Mary L. Pothoven, Esquire
: PA ID # 72164
: 600 E. Main Street
: PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED ^{icc}
m12:41:04 Amy
JAN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,
Defendants


: CIVIL DIVISION
:
: No. 2006-1454 C.D.
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**NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS TO DEFENDANT'S
REQUEST FOR PRODUCTION OF DOCUMENTS**

To: WILLIAM SHAW, PROTHONOTARY

PLEASE TAKE NOTICE that the Plaintiff, John C. Becker, has served PLAINTIFF'S ANSWERS TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS on Sandy Hose Co. No. 1, by mailing the same, regular mail, postage pre-paid, to its attorney, Miles A. Kirshner, Esquire, Margolis Edelstein, 525 William Penn Place, Suite 3300, Pittsburgh, PA 15219 on the 2nd day of January, 2007.

Date: 01/02/07


Mary L. Pothoven, Esquire
Attorney for Plaintiff

FILED

JAN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

: CIVIL DIVISION
:
: No. 2006-1454 C.D.
:
: Type of Pleadings:
: **CERTIFICATE OF SERVICE OF**
: **REPLY TO DEFENDANT'S NEW**
: **MATTER AND NEW MATTER**
: **PURSUANT TO PA R.C.P.**
: **2255(D)**
:
:
: Filed on behalf of Plaintiff:
: John C. Becker
:
: Counsel of record for this
: party:
:
: Mary L. Pothoven, Esquire
: PA ID # 72164
: 600 E. Main Street
: PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED^{1cc}
m/12:41/2007 Amy
JAN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
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FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

: CIVIL DIVISION
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: No. 2006-1454 C.D.

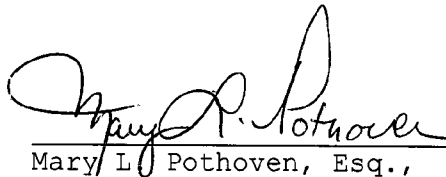
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**CERTIFICATE OF SERVICE OF REPLY TO DEFENDANT'S NEW MATTER
AND NEW MATTER PURSUANT TO PA R.C.P. 2255(D)**

I, Mary L. Pothoven, Esquire, hereby attest a true copy of the
REPLY TO DEFENDANT'S NEW MATTER AND NEW MATTER PURSUANT TO PA R.C.P.
2255(D) was served on Sandy Hose Co. No. 1, by mailing the same,
regular mail, postage pre-paid, to its attorney, Miles A. Kirshner,
Esquire, Margolis Edelstein, 525 William Penn Place, Suite 3300,
Pittsburgh, PA 15219 on the 2nd day of January, 2007.

Respectfully submitted:

Date: 01/02/07



Mary L. Pothoven, Esq.,
Attorney for Plaintiff

FILED

JAN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
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FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

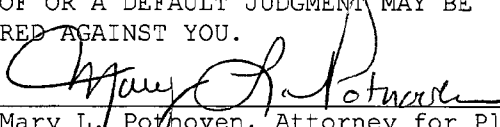
: CIVIL DIVISION
:
: No. 2006-1454 C.D.
:
: Type of Pleadings: **REPLY TO**
: **DEFENDANT'S NEW MATTER**
: **AND NEW MATTER PURSUANT TO PA**
: **R.C.P. 2252(D)**
:
: Filed on behalf of Plaintiff:
: John C. Becker
:
: Counsel of record for this
: party:
:
: Mary L. Pothoven, Esquire
: PA ID # 72164
: 600 E. Main Street
: PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

JURY TRIAL DEMANDED

TO: **ALL PARTIES**


YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN
RESPONSE TO THE ENCLOSED NEW MATTER and
NEW MATTER PURSUANT TO RULE 2252(d)
WITHIN TWENTY (20) DAYS FROM SERVICE
HEREOF OR A DEFAULT JUDGMENT MAY BE
ENTERED AGAINST YOU.

BY:


Mary L. Pothoven, Attorney for Plaintiff,
John C. Becker

FILED

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JAN 04 2007

1 cc
Att'y

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,	:	CIVIL DIVISION
Plaintiff	:	
	:	No. 2006-1454 C.D.
vs.	:	
	:	
RALPH J. BRUZGA; and	:	
SANDY HOSE CO. NO. 1, a/k/a	:	
SANDY HOSE CO. NO. ONE, t/d/b/a	:	
SANDY CLUB and/or t/d/b/a SANDY	:	
FIREMAN'S CLUB, a non-profit	:	
Corporation,	:	
Defendants	:	

REPLY TO DEFENDANT'S NEW MATTER

AND NOW comes the Plaintiff, John C. Becker, by his attorney, Mary L. Pothoven, Esquire, and files the within Reply to Defendant's New Matter.

43. Denied. On the contrary, it is believed and, therefore, averred that on September 22, 2005 Ralph J. Bruzga, being a patron at the social club operated by Sandy Hose Co. No. 1, was served in excess of two glasses of draft beer.

44. Denied. On the contrary, it is believed and, therefore, averred that at the time Defendant, Ralph J. Bruzga, was served he did display visible signs of intoxication and that the Defendant, Sandy Hose Co. No. 1, knew or should have known that he drank alcohol to the excess and, therefore, should not have served him.

45. Denied. To the contrary, it is believed and, therefore, averred that the Defendant, Ralph J. Bruzga, left the Sandy Hose Co. No. 1 within minutes of the automobile accident which is the subject of this suit.

46. Denied. The averments contained in Paragraph 46 are conclusion of law to which no responsive pleading is required under the Pennsylvania Rules of Civil Procedure. To the extent that a responsive pleading is required it is denied that the Defendant is entitled to any defense under the provisions of the Pennsylvania Comparative Negligence Act.

WHEREFORE, Plaintiff, John C. Becker, hereby prays the defenses raised in Defendant's New Matter be hereby dismissed and judgment be entered in Plaintiff's favor.

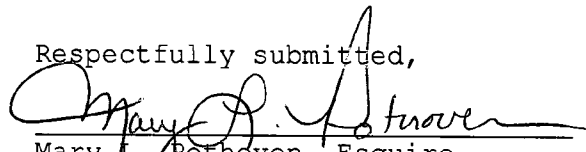
NEW MATTER PURSUANT TO RULE 2252(d)
SANDY HOSE CO. NO. 1 v. BRUZGA

47. The averments contained in Paragraph 47 are conclusions of law to which no responsive pleading is required under Pennsylvania Rules of Civil Procedure.

48. The averments contained in Paragraph 47 are conclusions of law to which no responsive pleading is required under Pennsylvania Rules of Civil Procedure.

WHEREFORE, Plaintiff, John C. Becker, hereby prays that defenses raised in Defendant's New Matter Pursuant to Rule 2252(d) Sandy Hose Co. No. 1 v. Bruzga be hereby dismissed and judgment be entered in Plaintiff's favor.

Respectfully submitted,


Mary L. Pothoven, Esquire
Attorney for Plaintiff, John C.
Becker

VERIFICATION

I, John C. Becker, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing REPLY TO DEFENDANT'S NEW MATTER and NEW MATTER PURSUANT TO RULE 2252(d) SANDY HOSE CO. NO. 1 v. BRUZGA are true and correct to the best of my knowledge, information, and belief. I understand the statements made herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 12-29-2006


John C. Becker, Plaintiff

FILED

JAN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

: CIVIL DIVISION
:
: No. 2006-1454 C.D.
:
: Type of Pleadings:
: **PRAECIPE TO SETTLE AND**
: **DISCONTINUE**
:
: Filed on behalf of Plaintiff:
: John C. Becker
:
: Counsel of record for this
: party:
:
: Mary L. Pothoven, Esquire
: PA ID # 72164
: 600 E. Main Street
: PO Box 218
: Reynoldsville, PA 15851
: (814) 653-2243

FILED 2cc + 2 Cert of
M/11:35 am disc issued to
MAR 09 2007 AM Pothoven
(5)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN C. BECKER,
Plaintiff

vs.

RALPH J. BRUZGA; and
SANDY HOSE CO. NO. 1, a/k/a
SANDY HOSE CO. NO. ONE, t/d/b/a
SANDY CLUB and/or t/d/b/a SANDY
FIREMAN'S CLUB, a non-profit
Corporation,
Defendants

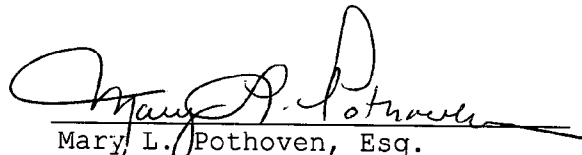
: CIVIL DIVISION
:
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PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Kindly settle and discontinue the above-captioned matter
upon the records of this Court.

Dated: March 9, 2007


Mary L. Pothoven, Esq.
Attorney for Plaintiff

FILED

MAR 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

John C. Becker

Vs.

No. 2006-01454-CD

Ralph J. Bruzga, Sandy Hose Co. No. 1
a/k/a Sandy Hose Co. No. One, t/d/b/a Sandy
Club and/or t/d/b/a Sandy Fireman's Club,
a non-profit corporation

CERTIFICATE OF DISCONTINUATION

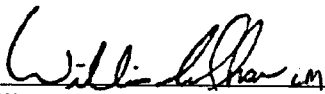
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County
and Commonwealth aforesaid do hereby certify that the above case was on March 9,
2007, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Mary L. Pothoven Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 9th day of March A.D. 2007.


William A. Shaw, Prothonotary