

06-1668-CD  
Jean Skonier vs Ronald D. Fishel

Jean Skonier vs Ronald Fishel  
2006-1668-CD

Jean Skoniervs.Ronald D. Fishel

## Civil Other-COUNT

Date		Judge
10/12/2006	New Case Filed.	No Judge
	✓ Filing: Praecipe for Writ of Summons and Summons. Paid by: Dusan, Bratic & Assoc. Receipt number: 1915968 Dated: 10/12/2006 Amount: \$85.00 (Check) 1 Cert. to Sheriff and 2 Cert. to Atty.	No Judge
1/25/2007	✓ Sheriff Return, November 1, 2006 at 12:34 pm Served the within Praecipe & Summons on Ronald D. Fishel. So Answers, Chester A. Hawkins, Sheriff b s/Marilyn Hamm Shff Hawkins costs pd by Bratic \$77.06	No Judge
7/5/2007	✓ Praecipe For Entry of Appearance, filed by Atty. Taladay no cert. copies. ✓ Enter appearance on behalf of Defendant Ronald D. Fishel s/Matthew B. Taladaly.	No Judge
	✓ Praecipe ot Enter Rule to File Complaint within 20 days after date of service issued. Rule Dated: July 5, 2007 1 Rule to Atty. Taladay.	No Judge
7/11/2007	✓ Certificate of Service, filed. That on the 10th day of July 2007, a Court certified copy of Rule to File Complaint was sent to Dusan Bratic Esq., filed by s/ Matthew B. Taladay Esq. No CC.	No Judge
4/8/2008	✓ Certificate of Service, on the 7th day of April, 2008, an original Notice of Praecipe to Enter Judgment of Non Pros, was sent via first class mail to Dusan Bratic, Esquire. filed by s/ Matthew B. Taladay, Esquire. No CC	No Judge
4/17/2008	✓ Complaint, filed by Atty. Bratic 1 Cert. to Atty.	No Judge
6/16/2008	✓ Praecipe for Argument filed by Atty. Taladay no cert. copies.	No Judge
	✓ Preliminary Objections, filed by Atty. Taladay no cert. copies.	No Judge
6/20/2008	Order, this 19th day of June, 2008, it is Ordered that Argument on ✓ Preliminary Objections filed on behalf of Defendant will be heard on the 23rc of July, 2008 at 10:00 a.m. in Room 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Taladay	Fredric Joseph Ammerman
7/2/2008	✓ Certificate of Service, on the 1st day of July, 2008, a Court certified copy of Order of Court dated June 19, 2008, was sent via first class mail to Dusan Bratic, Esquire. filed by s/ Matthew B. Taladay, Esquire. No CC	Fredric Joseph Ammerman
7/22/2008	✓ Amended Complaint, filed by s/ Dusan Bratic. 1CC to Atty.	Fredric Joseph Ammerman
8/7/2008	✓ Answer and New Matter to Amended Complaint, filed by s/ Matthew B. Taladay, Esquire. No CC	Fredric Joseph Ammerman
8/8/2008	✓ Notice of Service, filed. That I propounded on Plaintiff, via first class mail thi: 7th day day of August 2008 Defendant's First Set of Discovery Material to Dusan Bratic Esq., filed by s/ Matthew B. Taladay Esq. No CC.	Fredric Joseph Ammerman
10/10/2008	✓ Motion to Compel Discovery, filed by Atty. Taladay no c/c/	Fredric Joseph Ammerman
10/14/2008	✓ Order, this 13th day of Oct., 2008, Motion to Compel Discovery is Granted. Plaintiffs shall produce and supply full and complete discovery responses within 30 days from the date of this Order. By The Court, /s/ Paul E. Cherry, Judge. 1CC atty. Taladay	Fredric Joseph Ammerman
10/20/2008	✓ Certificate of Service, on the 17th day of Oct., 2008, a Court certified copy o Order of Court dated Oct. 13, 2008, was sent via first class mail, to Dusan Bratic, Esquire. filed by s/ Matthew B. Taladay, Esquire. No CC	Fredric Joseph Ammerman
11/14/2008	✓ Certificate of Service, filed. That a true and correct copy of the foregoing Plaintiff's Answer to Interrogatories and Request for Production of Documen by first class mail on this 12th day of November 2008 to Matthew B. Taladay Esq., filed by s/ Dusan Bratic Esq. No CC.	Fredric Joseph Ammerman

Houtzdale Boroug	Kasubick	Girard		5/10/2007	6/8/2011
Cooper Township	Kehrly	Ann	L.	8/31/1998	9/21/2002
Houtzdale Boroug	Keith	Brenda	L.	9/5/2000	8/16/2004
Woodward Towns	Keith	Brenda	L.	9/13/1996	9/13/2000
Houtzdale Boroug	Keith	Kimberly	A.		
Houtzdale Boroug	Keith	Brenda	L.	9/13/2004	8/16/2004
Mahaffey Borough	Kellar	Thelma		1/22/1996	1/22/2000
Brady Township	Kellar	Joanne	B.	6/21/2004	6/7/2008
Brady Township	Kellar	Joanne	B.	5/30/2008	6/7/2012
Chester Hill Borou	Keller	Barry	T.	10/3/1996	10/3/2000
Chester Hill Borou	Keller	Eileen	J.	12/30/1996	12/30/2000
Chester Hill Borou	Keller	Eileen	J.	12/11/2000	12/11/2004
Lawrence Townshi	Kelley	Geane		3/12/1997	3/12/2001
Lawrence Townshi	Kelley	Geane		3/14/2001	3/12/2005
Lawrence Townshi	Kelley	Geane		3/28/2005	3/12/2009
Houtzdale Boroug	Kemp	Laura	J.	10/9/1998	9/16/2002
Houtzdale Boroug	Kemp	Laura	J.	9/5/2002	8/16/2006
Sandy Township	Kenawell	Charles	Richard Jr.	3/26/2009	3/26/2013
Woodward Towns	Kennedy	Christina	L.	10/1/1998	9/9/2002
Clearfield Borough	Kephart	Elaine		2/26/1998	2/26/2002
Clearfield Borough	Kephart	Elaine		2/22/2002	2/4/2006
Clearfield Borough	Kephart	Elaine		1/20/2006	2/4/2010
Clearfield Borough	Kephart	Michael		5/2/2007	4/10/2011
Clearfield Borough	Kesner	Kim	C.	8/20/1998	8/29/2002
Clearfield Borough	Kesner	Kim	C.	8/30/2002	8/29/2006
Clearfield Borough	Kesner	Kim	C.	9/20/2006	8/29/2010
DuBois City	Kessler	Susan	L.	9/3/1999	9/2/2003
DuBois City	Kessler	Susan	L.	8/22/1995	8/22/1999
DuBois City	Kessler	Susan	L.	10/10/2003	9/3/2007
DuBois	Kiel	William		7/23/2001	7/11/2005
DuBois City	Kilmer	Deborah	M.	8/26/1998	8/26/2002
Clearfield Borough	King	Bertha	M.	9/4/1996	9/4/2000
Sandy Twp.	Kinney	Suzanne	L.	11/3/2000	11/3/2004
Sandy Twp.	Kinney	Suzanne	L.	2/19/2002	2/4/2006
Sandy Township	Kinney	Suzanne	L.	3/15/2006	2/4/2010
Sandy Township	Kinter	Kerry	L.	4/3/1998	4/12/2002

Date: 8/20/2009

Clearfield County Court of Common Pleas

User: LMILLER

Time: 12:00 PM

ROA Report

Page 2 of 2

Case: 2006-01668-CD

Current Judge: Fredric Joseph Ammerman

Jean Skoniervs.Ronald D. Fishel

Civil Other-COUNT

Date		Judge
12/2/2008	✓ Certificate of Readiness for Non-Jury Trial, filed by s/Matthew B. Taladay, Esq. No CC	Fredric Joseph Ammerman
12/4/2008	✓ Order, this 4th day of Dec., 2008, pre-trial conference is scheduled for Jan. 16, 2009 at 1:30 p.m. in Judges Chambers. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys; Bratic, Taladay	Fredric Joseph Ammerman
1/12/2009	✓ Certificate of Service, filed. That Plaintiff's Interrogatories and Request for Production of Documents were furnished by first class mail on this 7th day of January 2009 to Matthew B. Taladay Esq., filed by s/Dusan Bratic. 2CC Atty Bratic.	Fredric Joseph Ammerman
	✓ Certificate of Service, filed. That a true and correct copy of the foregoing Plaintiff's Supplemental Answer to Request for Production of Documents was furnished by first class mail this 7th day of January 2009 to Matthew B. Taladay Esq., filed by s/ Dusan Bratic Esq. 2CC Atty Bratic.	Fredric Joseph Ammerman
1/19/2009	✓ Order, this 16th day of Jan., 2009, following status conference, it is Ordered One-day Non-Jury Trial is scheduled for June 10, 2009 at 9:00 a.m. in Courtroom 1. (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Bratic, Taladay	Fredric Joseph Ammerman
2/6/2009	✓ Notice of Service, filed. Via First class mail this 5th day of February 2009 Defendant's First Set of Discovery Materials to Dusan Bratic Esq., filed by s/ Matthew B. Taladay Esq. No CC.	Fredric Joseph Ammerman
5/4/2009	✓ Motion for Continuance, filed by s/Dusan Bratic, Esq. One CC Attorney Bratic	Fredric Joseph Ammerman
5/20/2009	✓ Order, this 19th day of May, 2009, Plaintiff's Motion for Continuance is Granted and non-jury trial scheduled for June 10, 2009 is rescheduled to August 25, 2009 at 9:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Bratic, Taladay	Fredric Joseph Ammerman

DuBois City	Kinter	Marilyn	J.	3/26/1997	3/26/2001
Sandy Township	Kinter	Marilyn	J.	2/23/2001	3/5/2005
Sandy Township	Kinter	Kerry	L.	4/11/2002	4/12/2006
Sandy Township	Kinter	Marilyn	J.	2/25/2005	3/5/2009
Sandy Township	Kinter	Kerry	L.	3/24/2006	4/12/2010
Sandy Township	Kinter	Marilyn	J.	3/18/2009	3/5/2013
Clearfield Boro	Kipp	Carrie	L.	9/30/2002	9/10/2006
Lawrence Townshi	Kipp	Carrie	L.	4/30/2007	3/15/2011
Bradford Township	Kirkwood	Christianne		5/12/2003	5/9/2007
Bradford Township	Kirkwood	Christianne		5/21/2007	4/9/2011
Westover Borough	Kitchen	Pauline	B.	9/28/1998	10/17/2002
Burnside Townshi	Kitchen	Robin		10/31/2001	10/15/2005
Chest Township	Kitchen	Pauline	B.	11/13/2006	10/17/2010
Westover Borough	Kitchen	Pauline	B.	10/3/2002	10/17/2006
Clearfield County	Kite	Pamela	L.	10/10/2001	9/26/2005
Sandy Township	Knapp	Jennifer	L.	1/23/2001	2/5/2005
Clearfield Borough	Knatesboro	Theresa	C.	6/18/1998	6/10/2002
DuBois	Knatesboro	Theresa	C.	10/24/2003	9/19/2007
City of DuBois	Knatesboro	Theresa	C.	6/26/2008	8/26/2012
Cooper Township	Knepp	Beverly	J.	4/5/1999	4/5/2003
Lawrence Townshi	Knepp	Rowena		6/22/1995	6/22/1999
DuBois City	Knisely	Linda	F.	12/13/1995	12/13/1999
DuBois City	Knisely	Linda	F.	11/23/1999	11/29/2003
DuBois City	Knisely	Linda	F.	11/21/2003	11/29/2007
Sandy Township	Knisely	Linda	F.	1/3/2008	11/29/2011
Sandy Township	Knisley	Linda	F.	11/23/1999	11/23/2003
Sandy Township	Knopick	Karen	Lynn	4/29/1997	4/29/2001
DuBois City	Kocher	Catherine	A.	6/2/2000	5/13/2004
DuBois	Kohler	Larry		5/14/2001	5/2/2005
Sandy Township	Kohler	Pamela		1/25/2008	12/12/2011
Sandy Township	Kohler	Larry	J.	1/25/2008	12/12/2011
DuBois	Kohn-Duttry	Robin	M.	4/16/2002	4/16/2006
Decatur Township	Koptchak	Debra	A.	5/25/2000	5/10/2004
Decatur township	Koptchak	Debra	A.	5/14/2004	5/10/2008
Decatur Township	Koptchak	Rick	L.	5/20/2008	4/28/2012
DuBois City	Korb	Valerie	G.	2/18/2005	1/24/2009

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

JEAN SKONIER  
2047 TYRONE PIKE  
P.O. BOX 78  
BECCARIA, PA 16616  
PLAINTIFF

V.

RONALD D. FISHEL  
1505 VETERANS STREET  
BECCARIA, PA 16616  
DEFENDANT

FILE NO.: 2006-1668-CO

CIVIL ACTION: \_\_\_\_\_

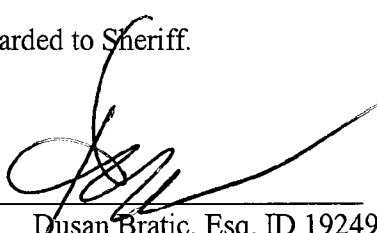
PRAECIPE FOR SUMMONS

TO THE PROTHONOTARY/CLERK OF SAID COURT:

Issue summons in the above captioned action, which arises from an automobile accident, in which Defendant's automobile crashed into Plaintiffs residence, that occurred on October 15, 2005.

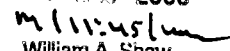
\_\_\_\_\_ Writ of Summons shall be issued and forwarded to Sheriff.

Date: \_\_\_\_\_

  
Dusan Bratic, Esq. ID 19249  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706

FILED

OCT 12 2006

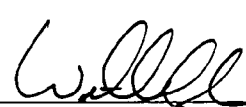
  
William A. Shaw  
Prothonotary/Clerk of Courts

1 COPY TO SHERRIFF  
2 COPY TO ATTORNEY

SUMMONS IN CIVIL ACTION

TO: RONALD D. FISHEL  
1505 VETERANS STREET  
BECCARIA, PA 16616

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS COMMENCED AN ACTION AGAINST YOU.

  
Prothonotary/Clerk, Civil Division

Date: OCT. 12, 2006

by: \_\_\_\_\_

~~Deputy~~

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

**FILED**

**OCT 12 2006**

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

**BRATIC & PORTKO**  
**ATTORNEYS AT LAW**  
**101 SOUTH U.S. ROUTE 15**  
**DILLSBURG, PA 17019**  
**(717) 432-9706**  
**Fax (717) 432-9220**

**BRATIC & PORTKO**  
**ATTORNEYS AT LAW**  
**101 SOUTH U.S. ROUTE 15**  
**DILLSBURG, PA 17019**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102026  
NO: 06-1668-CD  
SERVICE # 1 OF 1  
PRAECIPE & SUMMONS

PLAINTIFF: JEAN SKONIER  
vs.  
DEFENDANT: RONALD D. FISHEL

SHERIFF RETURN

NOW, November 01, 2006 AT 12:34 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON RONALD D. FISHEL DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RONALD FISHEL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BRATIC	12866	10.00
SHERIFF HAWKINS	BRATIC	12866	67.06

FILED  
01/31/2007  
JAN 25 2007

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,

William A. Shaw  
Prothonotary/Clerk of Courts

  
Chester A. Hawkins  
Sheriff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2006-1668-CD  
:  
: Type of Pleading:  
: Praeipe for Entry of  
: Appearance  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 3 S. Brady Street, Suite 300  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: July 3, 2007

FILED NO  
mlb:16/6/07 CC  
JUL 05 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

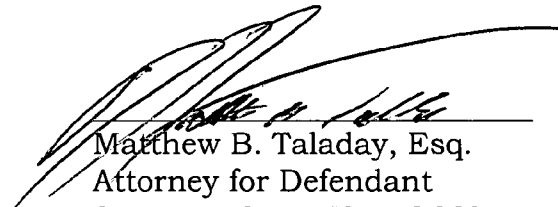
JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,  
Ronald D. Fishel, in the above captioned matter.

Dated: 07/03/07

  
Matthew B. Taladay, Esq.  
Attorney for Defendant  
Supreme Court No. 49663  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 3rd day of July, 2007, a true and correct copy of Defendant's Praecipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:  
Praecipe for Rule to  
File Complaint

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
3 S. Brady Street, Suite 300  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: July 3, 2007

FILED No. 2006-1668-CD  
m/12/1668-CD cc  
JUL 05 2007  
1 Rule to  
Atty Taladay  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER,  
Plaintiff

vs.

RONALD D. FISHEL,  
Defendant

:  
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:  
:  
:  
:

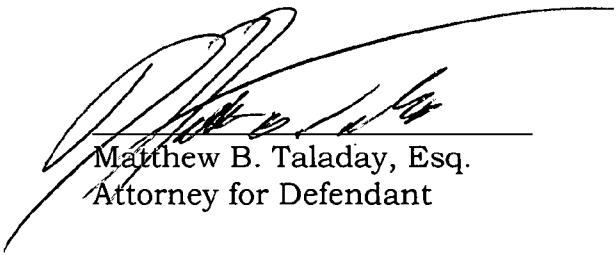
No. 2006-1668-CD

**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

Please enter a rule upon Plaintiff to file a Complaint within  
twenty (20) days of service thereof or suffer the entry of a judgment of  
non pros.

Dated: July 3, 2007



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

COPY

Jean Skonier


Vs.  
Ronald D. Fishel

Case No. 2006-01668-CD

RULE TO FILE COMPLAINT

TO: Jean Skonier

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: July 5, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2006-1668-CD  
:  
: Type of Pleading:  
: Certificate of  
: Service  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 3 S. Brady Street, Suite 300  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: July 10, 2007

FILED *10cc*  
m) 11:05/07  
JUL 11 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

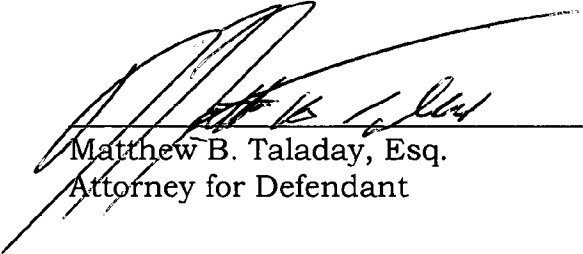
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 10th day of July, 2007, a Court certified copy of Rule to File Complaint was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
Matthew B. Taladay, Esq.  
Attorney for Defendant



FILED

APR 08 2008

M/10:45/

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,	:	Type of Case: Civil Action
Plaintiff	:	
	:	No. 2006-1668-CD
vs.	:	
	:	Type of Pleading:
RONALD D. FISHEL,	:	Certificate of
Defendant	:	Service
	:	
	:	Filed on Behalf of:
	:	Defendant
	:	
	:	Counsel of Record for This
	:	Party:
	:	Matthew B. Taladay, Esq.
	:	Supreme Court No. 49663
	:	Hanak, Guido and Taladay
	:	528 Liberty Boulevard
	:	P.O. Box 487
	:	DuBois, PA 15801
	:	(814) 371-7768

Dated: April 7, 2008

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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 7th day of April, 2008, an original Notice of Praecipe to Enter Judgment of Non Pros, a copy of which is attached hereto, was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

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

JEAN SKONIER,

Plaintiff

vs.

No. 2006-1668-CD

RONALD D. FISHEL,

Defendant

**NOTICE OF PRAECIPE TO ENTER JUDGMENT OF NON PROS**

TO: JEAN SKONIER, Plaintiff  
c/o Dusan Bratic, Esq.

DATE OF NOTICE: April 7, 2008

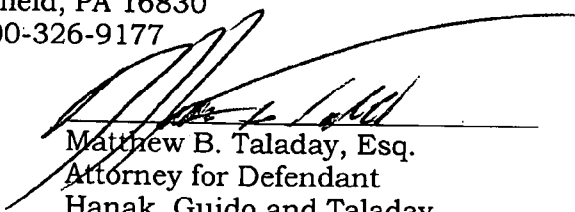
**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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

MIDPENN LEGAL SERVICES  
211 1/2 East Locust Street  
Clearfield, PA 16830  
800-326-9177



Matthew B. Taladay, Esq.  
Attorney for Defendant  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

FILED

APR 17 2008

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to

ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN SKONIER  
2047 TYRONE PIKE  
P.O. BOX 78

BECCARIA, PA 16616

PLAINTIFF

V.

RONALD D. FISHEL  
1505 VETERANS STREET  
BECCARIA, PA 16616

DEFENDANT

CIVIL ACTION

FILE NO.: 2006-01668-CD

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF:  
JEAN SKONIER, PLAINTIFF

FILED BY:

Dusan Bratic, Esq. ID 19249  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706



(Signature)

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

:  
:  
:  
:  
:  
:

CIVIL ACTION: 2006-01668-CD

**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.**

**MIDPENN LEGAL SERVICES  
211 ½ EAST LOCUST STREET  
CLEARFIELD, PA 16830  
(800) 326-9177**

## **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademàs, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**MIDPENN LEGAL SERVICES  
211 ½ EAST LOCUST STREET  
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(800) 326-9177**

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

JEAN SKONIER	:	
PLAINTIFF	:	
V.	:	CIVIL ACTION: 2006-01668-CD
	:	
RONALD D. FISHEL	:	
DEFENDANT	:	

**COMPLAINT**

**NOW COMES** the Plaintiff, Jean Skonier, by and through her counsel, Dusan Bratic, Esquire, of Bratic & Portko with offices at 101 U.S. Route 15 South, Dillsburg, PA 17019, and make the within Complaint against the Defendant, Ronald D. Fishel as follows:

1. Plaintiff, Jean Skonier, is an adult individual residing at #109, 810 N. Front Street, Phillipsburg, Clearfield County, Pennsylvania 16866.

2. Defendant, Ronald D. Fishel, is an adult individual residing at 1505 Veterans Street, Beccaria, Clearfield County, Pennsylvania 16616.

3. The facts and occurrences hereinafter related took place on or about, 4:00 A. M. Sunday morning, October 15, 2005, at or about Route 729 at or about 2047 Tyrone Pike, Beccaria, Clearfield County, Pennsylvania.

4. At the aforesaid time and place, Defendant, Ronald D. Fishel, was the driver of a 1994 Mazda X-Cab pick-up truck.

5. At the aforesaid time and place Defendant Ronald D. Fishel was traveling South on State Route 729, when he failed to negotiate a curve in the roadway, allowing his vehicle to leave the roadway and strike a utility pole. The velocity of the impact sheared the pole at its base, and

caused his vehicle to smash into and rest inside the Plaintiff's residence.

6. The impact with the utility pole was of such severity that it caused the vehicle operated by Defendant Ronald D. Fishel to catch on fire as it was resting against and inside the residence owned by the Plaintiff. The severity of the flames, coming from the vehicle operated by Defendant Ronald D. Fishel, caused the Plaintiff's residence to catch on fire and become engulfed in flames and to cause severe damage to her home so that it cannot be lived in.

7. At the time of the accident the Plaintiff was fast asleep and was the only occupant of her home. The Plaintiff was startled and shocked by the impact and had to be transported by ambulance to Phillipsburg Hospital. The Plaintiff sustained and suffered severe emotional distress. The Plaintiff has incurred medical bills and has had difficulty sleeping as a result of this traumatic event.

8. Said collision and all of the herein mentioned injuries and damages sustained by Plaintiff are the direct result of the negligent, careless and reckless manner in which Defendant, Ronald D. Fishel, operated his vehicle as follows:

- (a) Failure to keep proper and adequate control over his vehicle;
- (b) In driving his vehicle in a reckless manner and with careless disregard for the rights and safety of others and in otherwise operating his vehicle upon the highway in a manner endangering persons and property in violation of 75 Pa.C.S.A. Section 3714 and 3736;
- (c) In being inattentive and failing to maintain a sharp lookout of the road and the surrounding traffic conditions in violation of 75 Pa.C.S.A. Section 3303;
- (d) In driving his vehicle at a speed greater than is reasonable and prudent under conditions in violation of 75 Pa.C.S.A. §3361;



- (e) In operating his vehicle in such a manner as to knowingly and/or recklessly cause damage to Plaintiff, and to Plaintiff's personal and real property in violation of 75 Pa.C.S.A. Section 3717;
- (f) Failure to operate his vehicle entirely within the single lane reserved for vehicles traveling in the same direction as Defendant's vehicle was traveling in violation of 75 Pa.C.S.A. Section 3309.

9. The Defendant caused himself and his vehicle to enter upon the Plaintiff's real and personal property, without privilege or license to do so, and committed a trespass upon Plaintiff's property, and invaded the Plaintiff's privacy.

10. The Plaintiff has not been able to go back and reside in her house as she does not have the resources to put her house back together again.

11. The Plaintiff believes it would cost a substantial amount of money to repair her home.

12. The Plaintiff has lost a substantial amount of personal property and household goods, which amount has yet been unidentified and determined, but believes that the combined losses, as a result of this incident, are above the Arbitration limits for Clearfield County, Pennsylvania.

13. The Plaintiff had to also relocate from her residence, has not been able to take her meals at home, as she used to, causing her additional living expenses, which she otherwise would not have had to incur, including the cost of substitute housing.

14. Plaintiff asks for reimbursement of the cost to repair her home, to replace her personal property that was damaged and/or destroyed, and to make her whole with regard to out of

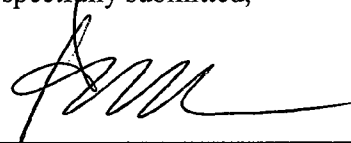
pocket expenses, for meals and housing, past, present and future medical expenses, as well as damages for invasion of privacy and intentional and/or reckless emotional distress.

15. Plaintiff has reason to believe that the Defendant was consuming or under the influence of alcohol and punitive damages for the reckless driving and/or being under the influence of alcohol.

**WHEREFORE**, Plaintiff, Jean Skonier, demands judgment of the Defendant, Ronald D. Fishel, in an amount in excess of the amount requiring compulsory arbitration.

Respectfully submitted,

Dated: 4/16/08



Dusan Bratic  
ID # 19249  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706  
Attorney for Plaintiff

VERIFICATION

I, Jean Skonier, hereby acknowledge that I am a Plaintiff in the foregoing Complaint, that I have read the foregoing, and the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein are made subject to penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

  
Jean Skonier

Date: 4/16/08

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

CIVIL ACTION: 2006-01668-CD

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Complaint was furnished by U.S. Mail, first class, postage prepaid on this 16<sup>th</sup> day of April 2008, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801

BRATIC & PORTKO

Dated: 4/16/08

LP

**FILED**  
JUN 16 2008  
m/a-w  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
:  
: No. 2006-1668-CD  
:  
:  
: Type of Pleading:  
: Praeipce to  
: Schedule Argument  
:  
:  
: Filed on Behalf of:  
: Defendant  
:  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: June 13, 2008

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

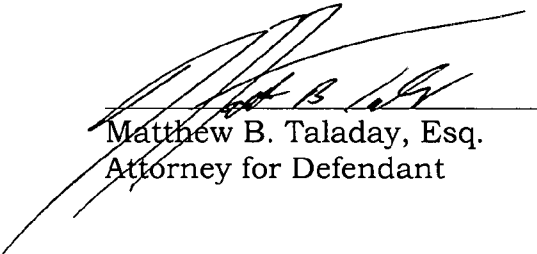
JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**PRAECIPE TO SCHEDULE ARGUMENT**

TO THE PROTHONOTARY:

Kindly request the Court Administrator to schedule this  
matter for Argument pursuant to Local Rule 211.

Dated: June 13, 2008

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

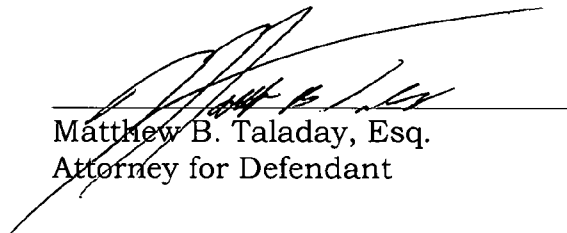
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 13th day of June, 2008, a true and correct copy of the foregoing Praecipe to Schedule Argument was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

GA

FILED

JUN 16 2008

W/9:00  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 92

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2006-1668-CD  
:  
: Type of Pleading:  
: Preliminary  
: Objections  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: June 13, 2008



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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**PRELIMINARY OBJECTIONS**

AND NOW, comes Defendant, Ronald D. Fishel, by his attorneys, Hanak, Guido and Taladay, and hereby submits the within Preliminary Objections to Plaintiff's Complaint:

1. Plaintiff's Complaint in the above referenced matter was filed April 16, 2008.
2. Plaintiff seeks money damages for injuries allegedly sustained as a result of an automobile accident which occurred on October 15, 2005 when a pickup truck operated by Defendant, Ronald Fishel, failed to negotiate a curve, struck a utility pole and impacted with Plaintiff's home resulting in damage to the Plaintiff's residence.
3. As a result of the collision, the Plaintiff's home caught fire, resulting in additional property damage.

**Count I**

**Motion to Strike Emotional Distress**

4. Paragraph 7 of Plaintiff's Complaint alleges as follows:

At the time of the accident the Plaintiff was fast asleep and was the only occupant of her home. The Plaintiff was startled and shocked by the impact and had to be transported by ambulance to Philipsburg Hospital. The Plaintiff sustained and suffered severe emotional distress. The Plaintiff has incurred medical bills and has had difficulty sleeping as a result of this traumatic event.

5. Plaintiff's Complaint does not allege physical injury to Plaintiff, but rather alleges damages for emotional distress as a result of being "startled and shocked".

6. Plaintiff's Complaint fails to allege facts which would support a cause for negligence infliction of emotional distress, accordingly it should be stricken.

## **Count II**

### **Motion to Strike Trespass/Invasion of Privacy**

7. Plaintiff's Complaint at paragraph 9 provides as follows:

The Defendant caused himself and his vehicle to enter upon the Plaintiff's real and personal property, without privilege or license to do so, and committed a trespass upon Plaintiff's property, and invaded the Plaintiff's privacy.

8. Plaintiff's Complaint fails to allege facts upon which claims of trespass and/or invasion of privacy can be sustained.

9. Invasion of privacy and trespass each require intentional conduct on behalf of the actor.

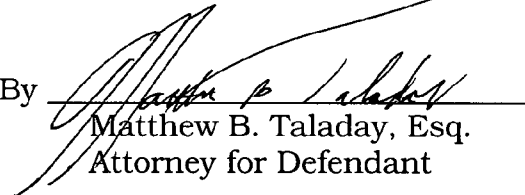
10. Plaintiff's claim of invasion of privacy and trespass should be stricken.

WHEREFORE, it is respectfully requested that Defendant's Preliminary Objections be granted and paragraphs 7 and 9 of Plaintiff's Complaint be stricken. It is further requested that all claims for money damages (asserted in Paragraphs 7, 9 and 14) under the theories of emotional distress and/or trespass/invasion of privacy be stricken.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
upon consideration of Defendant's Preliminary Objections to Plaintiff's  
Complaint, IT IS HEREBY ORDERED Defendant's Preliminary Objections  
are GRANTED, and

- (1) the claims for infliction of emotional distress set forth at Paragraph 7  
of Plaintiff's Complaint are to be stricken;
- (2) the claims for trespass/invasion of privacy stated at Paragraph 9 of  
Plaintiff's Complaint are to be stricken; and
- (3) any claims for money damages asserted under the theories of  
emotional distress and/or trespass/invasion of privacy (stated at  
paragraphs 7, 9 and 14) are to be stricken from Plaintiffs Complaint.
- (4) Plaintiff shall have 20 days from the date of this Order to file an  
Amended Complaint accordingly.

By the Court,

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

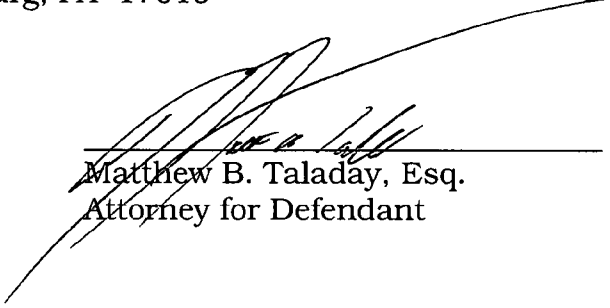
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 13<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing Preliminary Objections was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
\_\_\_\_\_  
Matthew B. Taladay, Esq.  
Attorney for Defendant

JA

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

JEAN SKONIER,

Plaintiff

vs.

No. 2006-1668-CD

RONALD D. FISHEL,

Defendant

**ORDER**

AND NOW, this 19<sup>th</sup> day of June, 2008,

IT IS HEREBY ORDERED that Argument on Preliminary Objections filed on behalf of Defendant in the above referenced matter will be heard on the 23<sup>rd</sup> day of July, 2008 at 10:00 A m. in Room 1 of the Clearfield County Courthouse.

By the Court,

Frederick J. Cunningham, Jr.

**FILED**

6/12:50am  
JUN 20 2008

3cc Atty  
Taladay  
GD

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6-20-2008

☒ 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

JUN 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

JUL 02 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

7/11:30/2  
William A. Shaw  
Prothonotary/Clerk of Courts

no C/C @10

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2006-1668-CD  
:  
: Type of Pleading:  
: Certificate of  
: Service  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: July 1, 2008



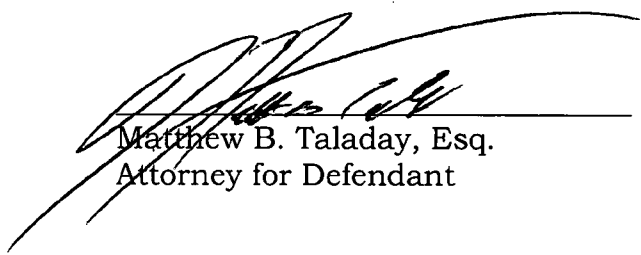
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 1st day of July, 2008, a Court certified copy of Order of Court dated June 19, 2008, was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED

JUL 02 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

CIVIL ACTION: 2006-01668-CD

**NOTICE**

**FILED**

JUL 22 2008

M/11:50/1  
William A. Shaw  
Prothonotary/Clerk of Courts

1 Cert to App

(62)

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.

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(800) 326-9177**

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

JEAN SKONIER	:	
	:	
PLAINTIFF	:	
	:	
V.	:	CIVIL ACTION: 2006-01668-CD
	:	
	:	
RONALD D. FISHEL	:	
	:	
DEFENDANT	:	

**AMENDED COMPLAINT**

**NOW COMES** the Plaintiff, Jean Skonier, by and through her counsel, Dusan Bratic, Esquire, of Bratic & Portko with offices at 101 U.S. Route 15 South, Dillsburg, PA 17019, and make the within Complaint against the Defendant, Ronald D. Fishel as follows:

1. Plaintiff, Jean Skonier, is an adult individual residing at #109, 810 N. Front Street, Phillipsburg, Clearfield County, Pennsylvania 16866.
2. Defendant, Ronald D. Fishel, is an adult individual residing at 1505 Veterans Street, Beccaria, Clearfield County, Pennsylvania 16616.
3. The facts and occurrences hereinafter related took place on or about, 4:00 A. M. Sunday morning, October 15, 2005, at or about Route 729 at or about 2047 Tyrone Pike, Beccaria, Clearfield County, Pennsylvania.
4. At the aforesaid time and place, Defendant, Ronald D. Fishel, was the driver of a 1994 Mazda X-Cab pick-up truck.
5. At the aforesaid time and place Defendant Ronald D. Fishel was traveling South on State Route 729, when he failed to negotiate a curve in the roadway, allowing his vehicle to leave

the roadway and strike a utility pole. The velocity of the impact sheared the pole at its base, and caused his vehicle to smash into and rest inside the Plaintiff's residence.

6. The impact with the utility pole was of such severity that it caused the vehicle operated by Defendant Ronald D. Fishel to catch on fire as it came to a stop against and inside the residence owned by the Plaintiff located at 2047 Tyrone Pike, Beccaria, Clearfield County, Pennsylvania. The severity of the flames, coming from the vehicle operated by Defendant Ronald D. Fishel, caused the Plaintiff's residence to catch on fire and become engulfed in flames and to cause severe damage to her home so that it cannot be lived in.

7. At the time of the accident the Plaintiff was asleep on the second floor of her residence. She was the only occupant of her home. The Plaintiff was startled, shocked by the explosion of the impact and the flames and smoke that engulfed her home and herself and had to be transported by ambulance to Phillipsburg Hospital. The Plaintiff sustained and suffered immediate and direct severe emotional distress and physical harm and illness. The Plaintiff has incurred medical bills. She has had ongoing difficulties as a result of this traumatic event due to the sensory and contemporaneous observance of the accident and its aftermath.

8. Said collision and all of the herein mentioned injuries and damages sustained by Plaintiff are the direct result of the negligent, careless and reckless manner in which Defendant, Ronald D. Fishel, operated his vehicle as follows:

- (a) Failure to keep proper and adequate control over his vehicle;
- (b) In driving his vehicle in a reckless manner and with careless disregard for the rights and safety of others and in otherwise operating his vehicle upon the highway in a manner endangering persons and property in violation

of 75 Pa.C.S.A. Section 3714 and 3736;

- (c) In being inattentive and failing to maintain a sharp lookout of the road and the surrounding traffic conditions in violation of 75 Pa.C.S.A. Section 3303;
- (d) In driving his vehicle at a speed greater than is reasonable and prudent under conditions in violation of 75 Pa.C.S.A. §3361;
- (e) In operating his vehicle in such a manner as to knowingly and/or recklessly cause damage to Plaintiff, and to Plaintiff's personal and real property in violation of 75 Pa.C.S.A. Section 3717;
- (f) Failure to operate his vehicle entirely within the single lane reserved for vehicles traveling in the same direction as Defendant's vehicle was traveling in violation of 75 Pa.C.S.A. Section 3309.

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11. The Plaintiff believes it would cost a substantial amount of money to repair her home.

12. The Plaintiff has lost a substantial amount of personal property and household goods, which amount has yet been unidentified and determined, but believes that the combined losses, as a result of this incident, are above the Arbitration limits for Clearfield County, Pennsylvania.

13. The Plaintiff had to also relocate from her residence, has not been able to take her meals at home, as she used to, causing her additional living expenses, which she otherwise would not have had to incur, including the cost of substitute housing.

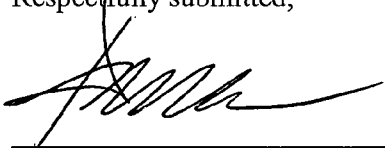
14. Plaintiff asks for reimbursement of the cost to repair her home, to replace her personal property that was damaged and/or destroyed, and to make her whole with regard to out of pocket expenses, for meals and housing, past, present and future medical expenses, as well as damages for negligent and/or reckless infliction of physical and emotional distress.

15. Plaintiff has reason to believe that the Defendant was consuming or under the influence of alcohol and punitive damages for the reckless driving and/or being under the influence of alcohol.

**WHEREFORE**, Plaintiff, Jean Skonier, demands judgment of the Defendant, Ronald D. Fishel, in an amount in excess of the amount requiring compulsory arbitration.

Respectfully submitted,

Dated: 7/21/08

  
\_\_\_\_\_  
Dusan Bratic  
ID # 19249  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706  
Attorney for Plaintiff



VERIFICATION

I, Jean Skonier, hereby acknowledge that I am a Plaintiff in the foregoing Complaint, that I have read the foregoing, and the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein are made subject to penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: July 21, 2008

Jean Skonier  
Jean Skonier

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

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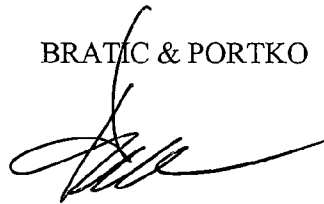
CIVIL ACTION: 2006-01668-CD

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Complaint was  
furnished by U.S. Mail, first class, postage prepaid on this 21<sup>st</sup> day of July 2008, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801

BRATIC & PORTKO



Dated: 7/21/08

**BRATIC & PORTKO**  
ATTORNEYS AT LAW  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PA 17019

---

**BRATIC & PORTKO**  
ATTORNEYS AT LAW  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PA 17019  
(717) 432-9706  
Fax (717) 432-9220

**FILED**  
JUL 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff

vs.

RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:

Answer and New  
Matter to Amended  
Complaint

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 08/04/2008

FILED <sup>NO CC</sup>  
M1102531  
AUG 07 2008 @

William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

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:  
:

No. 2006-1668-CD

**ANSWER**

AND NOW comes the Defendant, Ronald D. Fishel, by his attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Amended Complaint as follows:

1. Upon information and belief, admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied as stated. It is admitted, however, that on October 15, 2005, Ronald D. Fishel was operating his vehicle in a southerly direction on Route 729 in Beccaria and his vehicle collided with a utility pole, causing the pole to be sheared at its base and the vehicle subsequently collided with the Plaintiff's resident.
6. Denied as stated. It is admitted, however, that as a result of the collision the residence owned by Plaintiff and located at

2047 Tyrone Pike, Beccaria, Clearfield County, caught fire and sustained damages.

7. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 7 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

8. Denied pursuant to Pa.R.C.P. Rule 1029(e). By way of further answer, however, Defendant admits liability for the collision.

9. Denied as stated. The collision between Defendant's vehicle and Plaintiff's home was accidental.

10. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 10 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendant is without information regarding Plaintiff's belief as to the cost of repairs to the home. By way of further answer, however, it is averred that Defendant has already paid to Plaintiff an amount of money in excess of the diminution in value of the Plaintiff's real property and the reasonable value of Plaintiff's personalty.

12. After reasonable investigation, Defendant is without information as to Plaintiff's perceived value of the personal property lost in the fire. By way of further answer, Plaintiff has failed, upon repeated requests, to provide an inventory and estimate of the items lost. In addition, Defendant believes and therefore avers that Plaintiff has been paid by Defendant an amount in excess of the value of personal property damaged by the fire and the diminution of the Plaintiff's real estate.

13. After reasonable investigation, Defendant is without information concerning Plaintiff's claim for additional living expenses. By way of further answer, however, it is averred that Plaintiff has failed to take reasonable steps to mitigate her damage and loss.

14. After reasonable investigation, Defendant is without information sufficient to form a belief as to the damages and losses suffered by the Plaintiff as a result of the incident. Therefore, strict proof of each and every element of Plaintiff's damages in accordance with the applicable standard is demanded at the time of trial.

15. Denied. It is specifically denied that Defendant was under the influence of alcohol at the time of the incident. Plaintiff's claim for punitive damages should be dismissed.

**NEW MATTER**

16. Plaintiff's claims are barred or limited by Plaintiff failing to take reasonable, available and appropriate steps to mitigate her own damages.

17. It is believed and therefore averred that the cost of repair of Plaintiff's home is greater than the diminution in value to Plaintiff's real estate occasioned as a result of the fire loss, and therefore, Plaintiff is entitled to recover only diminution in value of her real estate, plus reasonable incidental costs.

18. Plaintiff's claim for loss or damage to personal property subject to the applicable standard of damages in Pennsylvania allowing only for recovery of market value and not replacement costs.

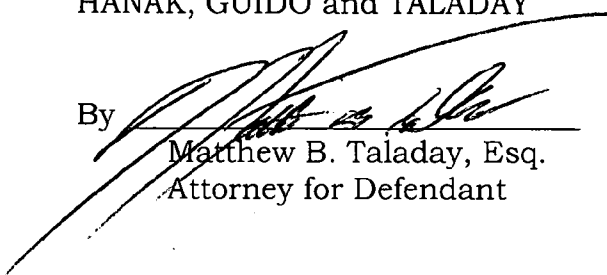
19. Defendant has paid on behalf of Plaintiff the sum of \$29,277.17 for which Defendant seeks offset from any award which may ultimately be obtained by the Plaintiff.

WHEREFORE, Defendant, Ronald D. Fishel, demands judgment in his favor.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Defendant




**VERIFICATION**

I, **Ronald D. Fishel** do hereby verify that I have read the foregoing Answer and New Matter to Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 7-26-08

  
\_\_\_\_\_  
Ronald D. Fishel

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

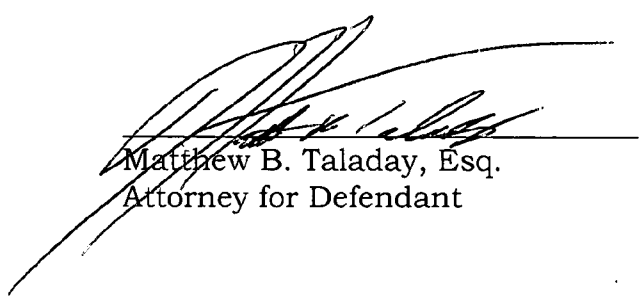
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No. 2006-1668-CD

**CERTIFICATE OF SERVICE**

I certify that on the 4th day of August, 2008, a true and correct copy of the foregoing Answer and New Matter to Plaintiff's Amended Complaint was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2006-1668-CD  
:  
: Type of Pleading:  
: Notice of  
: Service  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: August 7, 2008

FILED <sup>NO CC</sup>  
M) 10:31 AM  
AUG 08 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

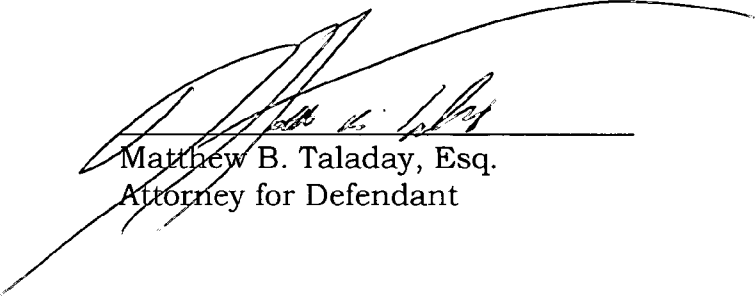
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No. 2006-1668-CD

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 7th day of August, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019



Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED

ULI 10 2008

William A. Shaw

Prothonotary/Clerk of Courts  
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:  
Motion to  
Compel Discovery

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: October 9, 2008

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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**MOTION TO COMPEL DISCOVERY**

AND NOW, comes Defendant, Ronald D. Fishel, by his attorneys, Hanak, Guido and Taladay and hereby bring the within Motion to Compel Discovery averring as follows:

1. On August 7, 2008 Defendant served counsel for Plaintiff with written discovery requests consisting of Interrogatories and Request for Production of Documents. A copy of the Notice of Service filed with the Office of Prothonotary is attached hereto as Exhibit "A".
2. Defendant's discovery responses are now more than thirty days overdue.
3. To date, Plaintiff has failed to respond to outstanding discovery requests.
4. Defendant requests this Honorable Court to issue an Order compelling Counsel for Plaintiff to provide full and complete discovery responses within thirty days of the date of this Order, upon failure of which the Court may impose sanctions.

WHEREFORE, it is respectfully requested that this Motion to  
Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,	:	Type of Case: Civil Action
Plaintiff	:	
	:	No. 2006-1668-CD
vs.	:	
	:	Type of Pleading:
RONALD D. FISHEL,	:	Notice of
Defendant	:	Service
	:	
	:	Filed on Behalf of:
	:	Defendant
	:	
	:	Counsel of Record for This
	:	Party:
	:	Matthew B. Taladay, Esq.
	:	Supreme Court No. 49663
	:	Hanak, Guido and Taladay
	:	528 Liberty Boulevard
	:	P.O. Box 487
	:	DuBois, PA 15801
	:	(814) 371-7768

Dated: August 7, 2008



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

JEAN SKONIER,

Plaintiff

vs.

No. 2006-1668-CD

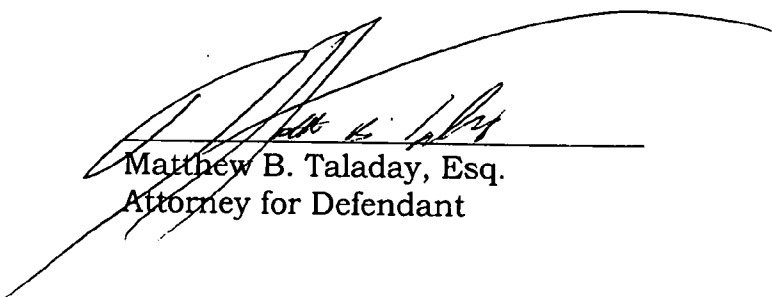
RONALD D. FISHEL,

Defendant

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 7th day of August, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

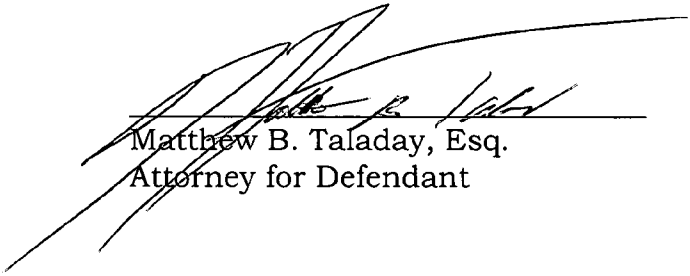
Defendant

No. 2006-1668-CD

**CERTIFICATE OF SERVICE**

I certify that on the 9<sup>th</sup> day of October, 2008, a true and correct copy of the foregoing Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019



Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED  
JUL 10 2008  
William A. Sharp  
Prothonotary/Clerk of Courts

CA

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

JEAN SKONIER,

Plaintiff

vs.

No. 2006-1668-CD

RONALD D. FISHEL,

Defendant

**ORDER OF COURT**

AND NOW, this 13<sup>th</sup> day of October, 2008, upon  
consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.

Plaintiffs shall forthwith produce and supply full and complete discovery  
responses within thirty (30) days from the date of this Order. In the  
event that Plaintiffs fail to abide by this Order, this Court may, upon  
further Petition of Defendant, impose appropriate sanctions.

BY THE COURT,

Paul E. Cherry

FILED

11:30 AM  
OCT 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

OCT 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/14/08

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

OCT 20 2008

5 m/10:00/a  
William A. Gray  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA 6/1/08  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff

vs.

RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: October 17, 2008

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

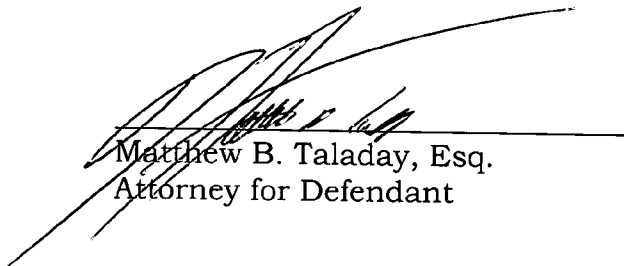
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No. 2006-1668-CD

**CERTIFICATE OF SERVICE**

I certify that on the 17th day of October, 2008, a Court  
certified copy of Order of Court dated October 13, 2008, was sent via first  
class mail, postage prepaid, to the following:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

CIVIL ACTION: 2006-01668-CD

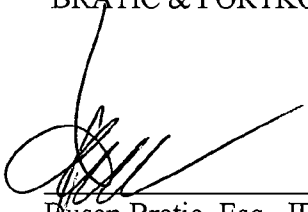
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Plaintiff's Answer to Interrogatories and Request for Production of Documents was furnished by U.S. Mail, first class, postage prepaid on this 12<sup>th</sup> day of November 2008, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801

BRATIC & PORTKO

Dated: 11-12-08

  
Dusan Bratic, Esq., ID 19249  
Attorney for Plaintiff  
Bratic & Portko  
101 South US Route 15  
Dillsburg, PA 17019  
717-432-9706

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**FILED** *no cc*  
*m/12:5480*  
NOV 14 2008  
William A. Shaw  
Prothonotary/Clerk of Courts



FILED

DEC 02 2008

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

CASE NUMBER      TYPE TRIAL REQUESTED      DATE PRESENTED  
No. 2006-1668-CD      ( ) Jury (X) Non-Jury      ESTIMATED TRIAL TIME  
Date Complaint      ( ) Arbitration      1 - 1½ days  
Filed:      \_\_\_\_\_ Days  
04/16/08

PLAINTIFF(S)

JEAN SKONIER

DEFENDANT(S)

RONALD D. FISHEL

ADDITIONAL DEFENDANT(S)

Check Block if  
a Minor is a  
Party to the  
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE      CONSOLIDATION      DATE CONSOLIDATION ORDERED

more than  
\$ Arbitration limit      ( ) yes (X) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Matthew B. Taladay, Esq.

FOR THE PLAINTIFF

TELEPHONE NUMBER

Dusan Bratic, Esq.

(717) 432-9706

FOR THE DEFENDANT

TELEPHONE NUMBER

Matthew B. Taladay, Esq.

(814) 371-7768

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

JEAN SKONIER

vs.

RONALD D. FISHEL

:  
:  
: No. 06-1668-CD  
:  
:

ORDER

AND NOW, this 4<sup>th</sup> day of December, 2008, it is the Order of  
the Court that a pre-trial conference in the above-captioned matter shall be and is  
hereby scheduled for Friday, January 16, 2009 at 1:30 P.M. in Judges  
Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
DEC 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ICCA  
Bratic  
Talaray

(610)

FILED

DEC 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 12/4/08

\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

\_\_\_\_ Defendant(s) ☒ Defendant(s) Attorney

\_\_\_\_ Special Instructions:

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

CIVIL ACTION: 2006-01668-CD

**CERTIFICATE OF SERVICE**

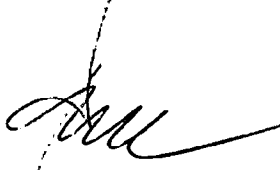
I HEREBY CERTIFY that a true and correct copy of the foregoing Plaintiff's Supplemental Answer to Request for Production of Documents was furnished by U.S. Mail, first class, postage prepaid on this 9th day of January 2009, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801

5 FILED 2cc AAA  
m/l. 462m Bratic  
JAN 12 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

BRATIC & PORTKO

Dated: JAN 7, 2009

  
Dusan Bratic, Esq., ID 19249  
Attorney for Plaintiff  
Bratic & Portko  
101 South US Route 15  
Dillsburg, PA 17019  
717-432-9706

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

CIVIL ACTION: 2006-01668-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

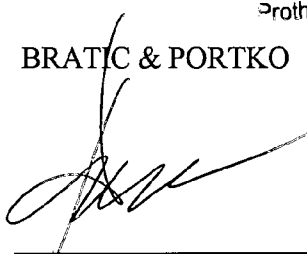
I HEREBY CERTIFY that Plaintiff's Interrogatories and Request for Production of Documents were furnished by U.S. Mail, first class, postage prepaid on this 7<sup>th</sup> day of January 2009, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801

5  
**FILED** 2CC A44  
m 11:46 am Bratic  
JAN 12 2009  
William A. Shaw  
Prothonotary-Clerk of Courts

BRATIC & PORTKO

Dated: 1-7-09

  
Dusan Bratic, Esq., ID 19249  
Attorney for Plaintiff  
Bratic & Portko  
101 South US Route 15  
Dillsburg, PA 17019  
717-432-9706

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

JEAN SKONIER,  
Plaintiff  
vs.  
RONALD D. FISHEL,  
Defendant

NO. 06-1668-CD

ORDER

NOW, this 16<sup>th</sup> day of January, 2009, following status conference on this date with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. One-day Non-Jury Trial is hereby scheduled for **June 10, 2009** commencing at **9:00 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
2. Written discovery shall be exchanged by each party by no later than March 1, 2009;
3. All depositions which are to be used for trial presentation purposes shall be completed by April 1, 2009;
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered by May 15, 2009. Failure to comply will result in the witness not being available for use at trial.
5. Any party filing any Motion or Petition, except those relating to expert testimony, regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same by no later than May 1, 2009. The party's Motion or Petition shall be accompanied

**FILED**  
JAN 19 2009

William A. Shaw  
Prothonotary/Clerk of Courts

2cc Days:  
Bratic  
Taladay  
(610)

by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than 15 days thereafter.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Fred Ammerman", written over a horizontal line.

FREDRIC J. AMMERMAN  
President Judge

**FILED**

**JAN 19 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE 1/19/09

\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s)    ☒ Plaintiff(s) Attorney    \_\_\_\_ Other

\_\_\_\_ Defendant(s)    ☒ Defendant(s) Attorney

\_\_\_\_ Special Instructions:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff  
  
vs.  
  
RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:  
Notice of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: February 5, 2009

<sup>5</sup>FILED NOCC  
M110:3321  
FEB 06 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER,	:	
Plaintiff	:	
	:	
vs.	:	No. 2006-1668-CD
	:	
RONALD D. FISHEL,	:	
Defendant	:	

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being  
counsel of record for Defendant, do hereby certify that I propounded on  
Plaintiff, via United States mail, first class, postage pre-paid, this 5<sup>th</sup>  
day of February, 2009 Defendant's FIRST SET OF DISCOVERY  
MATERIALS to the below indicated person, at said address, being  
counsel of record for the Plaintiff:

Dusan Bratic, Esq.  
Attorney for Plaintiff  
101 South U.S. Route 15  
Dillsburg, PA 17019

  
\_\_\_\_\_  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN SKONIER  
2047 TYRONE PIKE  
P.O. BOX 78  
BECCARIA, PA 16616  
PLAINTIFF

V.

RONALD D. FISHEL  
1505 VETERANS STREET  
BECCARIA, PA 16616  
DEFENDANT

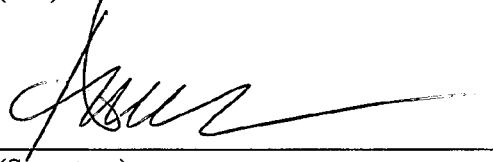
CIVIL ACTION

FILE NO.: 2006-01668-CD


TYPE OF PLEADING:  
MOTION FOR CONTINUANCE

FILED ON BEHALF OF:  
JEAN SKONIER, PLAINTIFF

FILED BY:  
Dusan Bratic, Esq. ID 19249  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706

  
(Signature)

FILED <sup>icc</sup>  
MAY 12 3 30 PM '09  
MAY 04 2009  
Bratic

  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JEAN SKONIER	:	
PLAINTIFF	:	
V.	:	CIVIL ACTION: 2006-01668-CD
	:	
RONALD D. FISHEL	:	
DEFENDANT	:	JURY TRIAL DEMANDED

**MOTION FOR CONTINUANCE**

1. On January 16, 2009, the Court entered a scheduling order, which is attached and incorporated herein as Exhibit A.

2. Sometime after February 5, 2009, Plaintiff's Counsel received Defendant's answers to interrogatories, which were reviewed. On February 20, 2009, in response to improperly answered interrogatories, Plaintiff's Counsel sent a letter to Defendant's Counsel requesting more specific answers to certain questions. A copy of that letter is attached as Exhibit B.

3. By letter dated February 26, 2009 to Plaintiff's Counsel, Defense Counsel answered that Ms. Skonier's auto policy handled her medical bills. A copy of that letter is attached as Exhibit C.

4. In response Defense counsel's prior letter, on March 2, 2009, Plaintiff's Counsel sent a letter to Defense Counsel asking for more specific answers to interrogatories 35 and 36. A copy of that later is enclosed and attached as Exhibit D, requesting information as to where the Defendant was treated after the accident.

5. On March 9, 2009, Plaintiff's counsel received Defense counsel's letter dated March 5, 2009 with the information that the Defendant was taken to the Altoona Hospital. A copy of that letter is attached as Exhibit E.

6. After receiving information from Defendant's counsel, Plaintiff's counsel then sent a subpoena to the Altoona Regional Medical Center requesting toxicology records for the Defendant as they related to this accident. Sometime after March 17, 2009, Plaintiff's counsel received a refusal from representatives of the Altoona Hospital to supply the information due to the need for a special authorization required under Federal Regulations or a court order signed by a judge for a release of the requested information. A copy of that refusal letter is attached as Exhibit F.

7. On March 27, 2009, Plaintiff's counsel wrote to Defense counsel, requesting authorization be signed by his client, the Defendant. A copy of that letter is attached as Exhibit G.

8. In response to Defense counsel's transmittal of March 31, 2009, on April 3, 2009 Plaintiff's counsel sent two versions of authorizations to be signed by the Defendant. A copy of that transmittal letter is attached as Exhibit H.

9. On April 14, 2009 the Defense counsel provided an authorization signed by his client Ronald Fishel. A copy is attached as Exhibit I. Those records were received last week. A copy of which are being sent to Defense counsel. The toxicology report appears to indicate that some three hours after the accident the Defendant's blood alcohol level was .0154%.

10. Plaintiff's medical records are also important. Plaintiff's counsel sought to secure Plaintiff's medical records from Phillipsburg Hospital, which hospital has closed subsequent to the date of this accident. Plaintiff's counsel personally went to the medical offices operated by the Geisinger Health organization, which are offices adjacent to the hospital and attempted to find a representative who would be able to provide access to the records. Several phone calls were also made to the Geisinger organization with no resolution.

11. A subsequent search revealed that Michael D. Vagnoni, Esq. of Philadelphia was in charge of managing the medical records for Phillipsburg General Hospital and for Jean Skonier.

This information was received after repeated calls to the state Health Department, which did not provide prompt responses.

12. Mr. Vagnoni was contacted by fax on February 27, 2009. On February 27, 2009 a subpoena was issued on Mr. Vagnoni as representative for Phillipsburg General Hospital to provide the medical records for the Plaintiff. A copy is attached as Exhibit J.

13. On March 18, 2009, not having heard a response, a letter was sent to Mr. Vagnoni asking for the Plaintiff's records and to contact us as to their status. A copy is attached as Exhibit K.

14. A phone call was returned by Mr. Vagnoni. Two return calls were placed by Plaintiff's counsel, but no further response was forthcoming. A letter confirming those calls was sent on April 6, 2009. A copy is attached as Exhibit L.

15. On or about April 6, 2009 a telephone discussion was held with Mr. Vagnoni regarding the mechanics of record retrieval and having his office send someone up to Phillipsburg to get the records. Mr. Vagnoni was told that Plaintiff's counsel would meet him in Phillipsburg to pick up the records. A copy of the letter from Mr. Vagnoni is attached as Exhibit M.

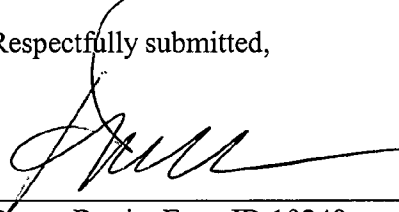
16. The lack of being able to be able to secure the information sought has impeded Plaintiff's counsel from being able to adequately represent and prepare a presentation in Plaintiff's case.

17. Plaintiff counsel has generally kept Defense counsel informed of the difficulties with obtaining the requested records. Defense counsel has been advised that a Motion for Continuance will be made. Defense counsel Matthew Taladay has indicated that he has no need to request a continuance but would defer to the court's decision as to grant a continuance.

Wherefore, a request is being made for either a telephone conference or an in person conference to reset dates with regard to completion of discovery, expert witnesses, depositions and the filing of various motions.

Dated: 5/1/09

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D Bratic', written over a horizontal line.

Dusan Bratic, Esq., ID 19249  
Attorney for Plaintiff  
Bratic & Portko  
101 South US Route 15  
Dillsburg, PA 17019  
717-432-9706

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

JEAN SKONIER

PLAINTIFF

V.

RONALD D. FISHEL

DEFENDANT

:  
:  
:  
:  
:  
:

CIVIL ACTION: 2006-01668-CD

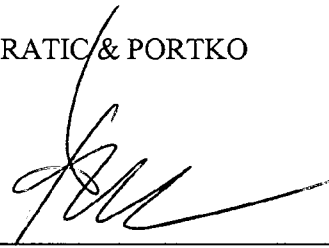
JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Plaintiff's Motion for Continuance were furnished by fax and by U.S. Mail, first class, postage prepaid on this 1<sup>st</sup> day of May 2009, to:

Matthew B. Taladay, Esquire  
Hunak, Guido & Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
Fax: 814-371-~~1974~~  
7768

BRATIC & PORTKO



Dated: 5/1/09

\_\_\_\_\_  
Dusan Bratic, Esq., ID 19249  
Attorney for Plaintiff  
Bratic & Portko  
101 South US Route 15  
Dillsburg, PA 17019  
717-432-9706



# **EXHIBIT A**

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

\*

\*

\*

\*

\*

NO. 06-1668-CD

ORDER

NOW, this 16<sup>th</sup> day of January, 2009, following status conference on this date with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. One-day Non-Jury Trial is hereby scheduled for **June 10, 2009** commencing at **9:00 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
2. Written discovery shall be exchanged by each party by no later than March 1, 2009;
3. All depositions which are to be used for trial presentation purposes shall be completed by April 1, 2009;
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered by May 15, 2009. Failure to comply will result in the witness not being available for use at trial.
5. Any party filing any Motion or Petition, except those relating to expert testimony, regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same by no later than May 1, 2009. The party's Motion or Petition shall be accompanied

by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than 15 days thereafter.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge

I hereby certify that the foregoing is a true and correct copy of the original statement filed in this case.

Jul 19 2003

Attest:

*[Signature]*  
Clerk of Court

# **EXHIBIT B**

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Nicole Hanak Bankovich

Telephone: (814) 371-7768  
Fax: (814) 371-1974

528 Liberty Blvd.  
P.O. Box 487  
DuBois, PA 15801  
mbtaladay@verizon.net

February 5, 2009

Dusan Bratic, Esq.  
101 South U.S. 15  
Dillsburg, PA 17019

Re: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD - Clearfield County

Dear Mr. Bratic:

Enclosed is Defendant's Answers to Interrogatories. Also enclosed is a copy of the Notice of Service which has been filed with the Prothonotary of Clearfield County.

Sincerely,



Matthew B. Taladay

MBT:kam

Encs.

cc: Steven Terry  
Claim No. 010110566149

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PENNSYLVANIA 17019

**DUSAN BRATIC, ESQ.**  
**STEPHEN K. PORTKO, ESQ.**

(717) 432-9706  
(717) 432-2538  
FAX (717) 432-9220

February 20, 2008

Matthew B. Taladay, Esq.  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

Via Fax Only  
814-371-1974

RE: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD -- Clearfield County

Dear Matthew:

I had the opportunity of reviewing the file in preparation of getting some documents to you. I find that your client did not respond to question 35 of the Interrogatories. Of course you would know who responded. I would assume that Erie paid some medical bills and you represent Erie in the case. I need to have you answer question 35 a, b & c. Then allow us a reasonable amount of time to secure those records.

You knew I wanted to get Mr. Fishel's toxicology discovery when we talked at the courthouse. You said you would have no objection to waiving the 20 day rule. Obviously I can't file a discovery request if you don't respond appropriately so that I have the data.

Please acknowledge this letter and agree to provide a 30 day extension for the discovery and exchange of documents in this matter. Otherwise I will have to petition the court to do the same. Hopefully that will not be necessary.

Thank you.

Very truly yours,

Dusan Bratic

DB/rsr

# **EXHIBIT C**

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Nicole Hanak Bankovich

Telephone: (814) 371-7768  
Fax: (814) 371-1974

528 Liberty Blvd.  
P.O. Box 487  
DuBois, PA 15801

mbtaladay@verizon.net

February 26, 2009

Dusan Bratic, Esq.  
101 South U.S. 15  
Dillsburg, PA 17019

Re: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD - Clearfield County

Dear Mr. Bratic:

I am writing in response to your correspondence of February 20, 2008. Based on information I was able to obtain from the file and from the ERIE property damage adjuster, it appears that Ms. Skonier's auto policy, State Farm Insurance, handled Ms. Skonier's medical expense claim. I do not have copies of these records or expenses. You will need to send a release to State Farm in order to obtain these records.

I have no objection to a thirty day extension for discovery. However, since Judge Ammerman issued the Pre-Trial Order, I cannot guarantee that he will honor an agreement between counsel as to modify any Order of Court. I would be glad to sign any stipulating consent order that you would prepare confirming the above.

Sincerely,



Matthew B. Taladay

MBT:kam

cc: Steven Terry  
Claim No. 010110566149



# **EXHIBIT D**

MODE = MEMORY TRANSMISSION

START=MAR-02 17:22

END=MAR-02 17:23

FILE NO.=373

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	a	18143711974	001/001	00:00:28

\*\*\*\*\* - \*\*\*\*\* - \*\*\*\*\*

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A

101 SOUTH U.S. ROUTE 15

DILLSBURG, PENNSYLVANIA 17019

DUSAN BRATIC, ESQ.

STEPHEN K. PORTKO, ESQ.

(717) 432-9706

(717) 432-2538

FAX (717) 432-9220

March 2, 2008

Matthew B. Taladay, Esq.  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

Via Fax Only  
814-371-1974

RE: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD -- Clearfield County

Dear Matthew:

Thank you for your letter of February 26, 2009. I know Ms. Skonier's insurance handled her medical bills. What I am specifically requesting is that you answer numbers 35 and 36 from the interrogatories directed to Mr. Fishel. They state:

35. Did you receive or sustain any injury as a result of this accident? If so, please state:

(a) The name of the ambulance or EMS service that first provided services for such injury.

(b) Were you treated at any hospital for injuries sustained in this accident? If so, please provide the name and address of such hospital and indicate what treatments you received.

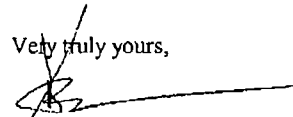
(c) Were you treated by any other physician(s) for injuries sustained in this accident? If so, please identify the name and address of such physician(s). If so, please indicate what treatments were received.

36. Please state the name and address of your family physician for the past 5 years preceding the accident.

These items refer to Mr. Fishel's injuries and treatment, not Ms. Skoniers.

Thank you.

Very truly yours,

  
Dusan Bratic

DB/rsr

# **EXHIBIT E**

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Telephone: (814) 371-7768  
Fax: (814) 371-1974

528 Liberty Blvd.  
P.O. Box 487  
DuBois, PA 15801

Nicole Hanak Bankovich

mbtaladay@verizon.net

March 5, 2009

Dusan Bratic, Esq.  
101 South U.S. 15  
Dillsburg, PA 17019

Re: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD - Clearfield County

Dear Mr. Bratic:

Here's the information responsive to your Interrogatory No. 35 to the best of my client's recollection:

Following the accident, he was transported to Altoona Regional Medical Center where he underwent extensive treatment. Thereafter, he was transferred to the Health South Rehabilitation facility in Altoona. Following his release from Health South, he went to a rehabilitation facility in Clymer, Pennsylvania, the name of which he does not remember. He spent six months at this facility. Following his release, he did out-patient physical therapy at Summit Physical Therapy in Altoona, Pennsylvania, for a period of three months. Mr. Bratic returned to work in November, 2006.

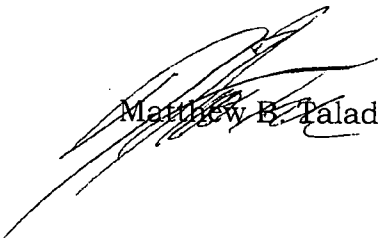
In response to Interrogatory No. 36, Mr. Fishel indicates that he did not have a regular doctor and cannot remember being treated for any injury or illness. He did undergo a physical examination for a job that he applied for, but did not take in 2004. The prospective employer, to the best of my client's recollection, is D.B.C.I. Allen of State College, Pennsylvania. He does not know the name of the physician who conducted the physical.

As you know, Mr. Fishel did incur a disabling brain injury as a result of this accident. He has no recollection of the incident, the events preceding the incident, or his time in the hospital or rehab.

Dusan Bratic, Esq.  
March 5, 2009  
Page 2

In that the above is all that my client is able to provide, I trust that this is sufficient response to your inquiry. Please contact me with any questions.

Sincerely,



Matthew B. Taladay

MBT:kam

cc: Steven Terry  
Claim No. 010110566149

# EXHIBIT F

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PENNSYLVANIA 17019

DUSAN BRATIC, ESQ.  
STEPHEN K. PORTKO, ESQ.

(717) 432-9706  
(717) 432-2538  
FAX (717) 432-9220

March 11, 2009

Altoona Regional Medical Center  
HIM Department  
620 Howard Avenue  
Altoona, PA 16601  
Tel: 814-889-2153

VIA FAX & MAIL  
814-889-7896

**RE:** Medical Records for Ronald D. Fishel  
DOB: 2/20/1964

*mail back  
KC*

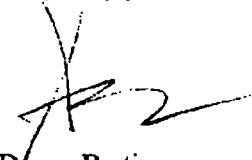
Dear Records Custodian:

Enclosed please find a subpoena for the medical records of Ronald D. Fishel. Please send any toxicology records regarding alcohol or controlled substances taken after he was brought in for injuries in an accident that occurred on October 15, 2005. We do not need his entire medical record just any tests done to determine if he was intoxicated or on any controlled substances at the time of the accident.

If you have any questions, please call.

Thank you for your cooperation in this matter.

Very truly yours,

  
Dusan Bratic

DB/rsr  
Enclosure

*25967424*



# Altoona Regional Health System

## CORRESPONDENCE RESPONSE FORM

Date: 3-17-09

RE: Ronald Fischel

☐ Please be advised these records are being released without the physician's signature.

☐ The \_\_\_\_\_ is incomplete at this time.

☐ The requested record were forwarded on \_\_\_\_\_

☒ The medical records requested cannot be released due to the following:

☒ An authorization was not enclosed. Please return the enclosed authorization with proper signature and date.

☐ Authorization dated before the service date.

☐ Authorization not dated by patient at time of signature.

☐ Authorization is over year old.

☐ Authorization is signed by a minor. There is no evidence this is an emancipated minor.

☐ Signature is not that of the patient.

☐ Signature is illegible. We cannot verify the signature belongs to the patient.

☐ Date not acceptable.

☒ Requires special authorization under federal regulations.  
(Authorization enclosed.)

☐ Authorization does not meet the HIPAA requirements.  
(Attachment & Authorization enclosed.)

OR court order from a Judicial Judge,  
or

Release to defendant's attorney at Auth



# **EXHIBIT G**

MODE = MEMORY TRANSMISSION

START=MAR-27 10:42

END=MAR-27 10:44

FILE NO.=745

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	8	18143711974	008/008	00:01:55

\*\*\*\*\* - \*\*\*\*\*

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A

101 SOUTH U.S. ROUTE 15

DILLSBURG, PENNSYLVANIA 17019

DUSAN BRATIC, ESQ.

STEPHEN K. PORTKO, ESQ.

(717) 432-9706

(717) 432-2538

FAX (717) 432-9220

March 27, 2008

Matthew B. Taladay, Esq.  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

Via Fax Only  
814-371-1974

RE: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD - Clearfield County

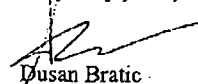
Dear Matthew:

Enclosed please find the response I received to my subpoena regarding Mr. Fishel's toxicology records. They indicate that these records can be released to you with a signed authorization. Otherwise I need to get an order signed by the Judge. I would rather not have to go through the court just to get a copy of these records. Would you be kind enough to return the enclosed authorization signed by your client in order to get these records and then send me a copy.

I would appreciate your assistance in this matter.

Thank you.

Very truly yours,

  
Dusan Bratic

DB/rsr

Enclosures (7 pages)

# **EXHIBIT H**

528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
Phone: (814) 371-7768  
Fax: (814) 371-1974  
mbtaladay@verizon.net

**Hanak, Guido and Taladay**

# Fax

**To:** Dusan Bratic, Esq. **From:** Matthew B. Taladay, Esq.  
**Fax:** 717-432-9220 **Date:** March 30, 2009  
**Phone:** 717-432-9706 **Pages:** 1  
**Re:** Skonier vs. Fishel **CC:**  
☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

**•Comments:**

Mr. Bratic,

I will submit an authorization to my client for signature. However, I will not have him sign a blank authorization. If you would prepare the authorization including the specific information sought, dates, etc., I will gladly send the authorization and recommend that Mr. Fishel sign it.

Matthew B. Taladay

**CONFIDENTIALITY NOTE:** This information is LEGALLY PRIVILEGED and CONFIDENTIAL INFORMATION intended only for the use of the individual named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this telecopy is strictly **PROHIBITED**. Immediately notify us by telephone if you have received this telecopy in error. Please return the original message to us at the address above via the United States Postal Service. Thank you.

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PENNSYLVANIA 17019

**DUSAN BRATIC, ESQ.**  
**STEPHEN K. PORTKO, ESQ.**

(717) 432-9706  
(717) 432-2538  
FAX (717) 432-9220

April 3, 2009

Matthew B. Taladay, Esq.  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

Via Fax Only  
814-371-1974

RE: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD – Clearfield County

Dear Matthew:

Attached are two versions of the Authorization for your client's signature. I have prepared an authorization for your office if you would rather have the records sent to you and then forward them to us. Please fax whichever authorization is signed to our office as soon as possible.

Thank you.

Very truly yours,

  
Dusan Bratic

DB/rsr  
Enclosures

# EXHIBIT I

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Nicole Hanak Bankovich

Telephone: (814) 371-7768  
Fax: (814) 371-1974

528 Liberty Blvd.  
P.O. Box 487  
DuBois, PA 15801

mbtaladay@verizon.net

April 14, 2009

Dusan Bratic, Esq.  
101 South U.S. 15  
Dillsburg, PA 17019

Re: Jean Skonier vs. Ronald D. Fishel  
No. 2006-1668-CD - Clearfield County

Dear Dusan:

Enclosed is the Authorization which has been duly executed by my client, Ronald Fishel. This is being forwarded with the agreement you will provide me with full and complete copies of all documents thereby obtained. If you have any additional questions, please contact me.

Sincerely,



Matthew B. Taladay

MBT:kam

Enc.

cc: Steven Terry  
Claim No. 010110566149

# EXHIBIT J



MODE = MEMORY TRANSMISSION

START=FEB-27 16:04

END=FEB-27 16:05

FILE NO.=349

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	12156653165	002/002	00:00:41

\*\*\*\*\* - \*\*\*\*\* - \*\*\*\*\*

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A

101 SOUTH U.S. ROUTE 15

DILLSBURG, PENNSYLVANIA 17019

DUSAN BRATIC, ESQ.

STEPHEN K. PORTKO, ESQ.

(717) 432-9706

(717) 432-2538

FAX (717) 432-9220

February 27, 2009

Michael D. Vagnoni  
One Penn Center - Suite 1900  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
Tel: 215-665-3066

VIA FAX & MAIL  
215-665-3165

RE: Medical Records from Philipsburg General Hospital for Jean Skonier  
DOB: 6/8/1924  
SS#: 268 24 3072

Dear Mr. Vagnoni:

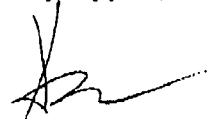
Our office represents Jean Skonier with regard to damages to her home and injuries she sustained when a truck crashed into her home causing it catch fire on October 15, 2005. We were informed by the State Health Department that you are the contact person regarding retrieving medical records from the Philipsburg State General Hospital, since they have closed. Ms. Skonier was transported to the hospital by ambulance on October 15, 2005. We are in the process of preparing a composite of her medical treatment and ask that you please provide us with the following information:

1. Any and all intake records, medical records, physicians' orders, patient history, referrals, evaluations performed, and/or any related correspondence or information in the hospital records.
2. Any and all billing records.

Enclosed please find a properly executed subpoena for release of this information.

Thank you for your cooperation in this matter.

Very truly yours,

  
Dusan Bratic

DB/rsr  
Enclosure

# **EXHIBIT K**

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PENNSYLVANIA 17019

**DUSAN BRATIC, ESQ.**  
**STEPHEN K. PORTKO, ESQ.**

(717) 432-9706  
(717) 432-2538  
FAX (717) 432-9220

March 18, 2009

Michael D. Vagnoni  
One Penn Center – Suite 1900  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
Tel: 215-665-3066

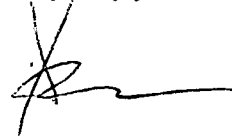
VIA FAX ONLY  
215-665-3165

**RE:** Medical Records from Philipsburg General Hospital for Jean Skonier  
DOB: 6/8/1924  
SS#: 268 24 3072

Dear Mr. Vagnoni:

It has been 20 days since we sent you our request for medical records and associated subpoena. We have not heard anything. Would you please send those records or let us know what is their status. Thank you.

Very truly yours,



Dusan Bratic

DB/rsr  
Enclosure

# **EXHIBIT L**

**BRATIC AND PORTKO**

*Attorneys at Law*

101 OFFICE CENTER, SUITE A  
101 SOUTH U.S. ROUTE 15  
DILLSBURG, PENNSYLVANIA 17019

**DUSAN BRATIC, ESQ.**  
**STEPHEN K. PORTKO, ESQ.**

(717) 432-9706  
(717) 432-2538  
FAX (717) 432-9220

April 6, 2009

Michael D. Vagnoni  
One Penn Center – Suite 1900  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
Tel: 215-665-3066

VIA FAX ONLY  
215-665-3165

**RE:** Medical Records from Philipsburg General Hospital for Jean Skonier  
DOB: 6/8/1924  
SS#: 268 24 3072

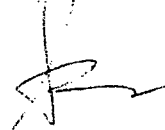
Dear Mr. Vagnoni:

Thank you for your call, wherein you left a message to call back. I called back two times, but you were not available either time. I requested that you leave me a convenient time to call back if you called when I was not in. I have not received a call back.

I am sure you are busy, but this is now the fourth written request that we have sent trying to get medical records for Jean Skonier. I did inform you that we were under a court order and we did have a deadline within which to receive these records.

I know you are an attorney so you are busy. I am busy. That is why I have tried to bother you as little as possible, but what is the point of having a custodian for records that we cannot get?

Very truly yours,



Dusan Bratic

DB/rsr

CC: Matthew Taladay, Esq. via fax 814-371-1974  
Honorable Judge Fredric J. Ammerman via fax 814-765-7649

# **EXHIBIT M**



# OBERMAYER

REBMANN MAXWELL & HIPPEL LLP

Attorneys At Law

Michael D. Vagnoni

Direct Dial: 215-665-3066

E-mail: michael.vagnoni@obermayer.com

One Penn Center - 19th Floor  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1895  
P 215-665-3000  
F 215-665-3165  
www.obermayer.com

April 7, 2009

**VIA FACSIMILE (717) 432-9220**

Dusan Bratic, Esquire

Bratic & Portko

101 Office Center

Suite A

101 South U.S. Route 15

Dillsburg, PA 17019

**Re: Moshannon Valley Citizens, Inc. t/a Philipsburg Area Hospital  
Chapter 11 Bankruptcy Number 06-00095**

Dear Mr. Bratic:

It was a pleasure speaking with you yesterday. As I related, since January 2006 the Philipsburg Area Hospital has been involved in a Chapter 11 bankruptcy proceeding in the Middle District of Pennsylvania. In 2007, the assets of the Hospital, including all of the equipment and the Debtor's leasehold interest in the property, known as 210 Loch Lomond Road, Philipsburg, Pennsylvania, were sold to a company called Rosewood Real Estate, Inc. The sole officer and shareholder of Rosewood Real Estate, Inc. is Dr. Lawrence Adams, who was recently convicted of numerous prescription drug violations and was sentenced to a term of seven (7) years in state prison. Rosewood defaulted on its agreement to purchase the Hospital assets and has further defaulted on its agreement to maintain all of the records of the Philipsburg Area Hospital, including the records you are seeking.

In 2008, during the time when the Debtor was attempting to obtain a restraining order against Rosewood, the Commonwealth of Pennsylvania terminated the Lease and has retaken possession of the Hospital facility. We are now in the process of obtaining the records, however, until that has been accomplished, they will have to be viewed on-site. I will attempt to arrange a convenient time for you to meet a representative of the Hospital and a representative of the Commonwealth of Pennsylvania at the Hospital facility, but it will take some time to arrange mutually convenient times. I appreciate your patience.

**Over a Century of Solutions**

4370892

Philadelphia  
Pennsylvania

Harrisburg  
Pennsylvania

Pittsburgh  
Pennsylvania

Allentown  
Pennsylvania

Cherry Hill  
New Jersey

Wilmington  
Delaware

Dusan Bratic, Esquire  
April 7, 2009  
Page 2

Please contact me upon receipt of this letter so that we may further discuss  
your obtaining the records.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. D. Vagnoni", with a stylized flourish at the end.

Michael D. Vagnoni

MDV/kes



IN THE COURT OF COMMON PLEAS OF CLEARFIELD CO.  
CIVIL DIVISION

JEAN SKONIER,  
Plaintiff

vs

RONALD FISHEL,  
Defendant

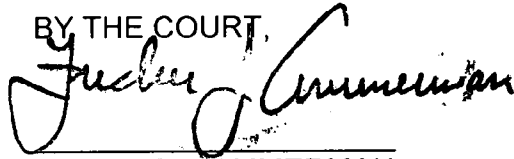
No. 06-1668-CD

\*  
\*  
\*  
\*  
\*

ORDER

AND NOW, this 19<sup>th</sup> day of May, 2009, upon review and consideration of the Plaintiff's Motion for Continuance, it is the ORDER of this Court that said Motion is GRANTED and the non-jury trial scheduled for June 10, 2009 be and is hereby rescheduled to August 25, 2009 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

FILED  
014:00/201  
MAY 20 2009

William A. Shaw  
Prothonotary/Clerk of Courts

2CC  
App: Bratic  
Taladay

620

FILE

MAY 20

William A. Smith  
Probationary Officer

DATE: 5/20/09

☐ You are responsible for serving all appropriate parties.

☒ The Probationary's office has provided service to the following:

☐ Plaintiff(s)

☒

Plaintiff(s)

Attorney

☐ Other

☐

Defendant(s)

☒

Defendant(s)

Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JEAN SKONIER,  
Plaintiff

vs.

RONALD D. FISHEL,  
Defendant

Type of Case: Civil Action

No. 2006-1668-CD

Type of Pleading:  
Praecipe for  
Discontinuance

Filed on Behalf of:  
Plaintiff

Counsel of Record for This  
Party:

Dusan Bratic, Esq.  
Supreme Court No. 19249  
BRATIC & PORTKO  
101 South U.S. Route 15  
Dillsburg, PA 17019  
(717) 432-9706

Dated: 09-17-2009

FILED No cc  
m/jl:192m 1 Cert of disc  
SEP 18 2009 issued to ATT  
William A. Shaw  
Prothonotary/Clerk of Courts  
Taladay

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

JEAN SKONIER,

Plaintiff

vs.

RONALD D. FISHEL,

Defendant

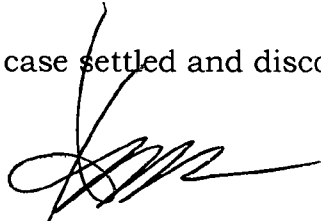
No. 2006-1668-CD

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.

9/1/09



Dusan Bratci, Esq.  
Attorney for Plaintiff

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

**CIVIL DIVISION**

**Jean Skonier**

**Vs.  
Ronald D. Fishel**

**No. 2006-01668-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 September 18, 2009, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Dusan & Bratic .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of September A.D. 2009.

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