

06-1671-CD
Michael L. Jury vs Merlin Knepp Jr. et al

Michael Jury vs Merlin Knepp et al
2006-1671-CD

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

MICHAEL L. JURY,
Plaintiff,

vs.

MERLIN KNEPP, Jr., MERLIN C.
KNEPP, Sr. and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Docket No.: 06-1671-CD

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff:
Michael L. Jury

Counsel of Record for this Party:

Peter D. Friday, Esquire
PA I.D. #: 48746

Michele L. Zerr, Esquire
PA I.D. # 201655

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(412) 563-7980

JURY TRIAL DEMANDED

FILED Att'y. pd. 85.00
mjl:59/24
OCT 12 2006 ICC:SKH
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

NOTICE TO DEFEND

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

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

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

**David S. Meholic
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5982**

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

MICHAEL L. JURY,

Plaintiff,

CIVIL ACTION - LAW

Docket No. :

vs.

MERLIN KNEPP, Jr., MERLIN C. KNEPP,
Sr. and DARLENE KNEPP,

Defendants.

COMPLAINT IN CIVIL ACTION

Plaintiff, Michael L. Jury, by and through his attorneys, Peter D. Friday, Esquire, Michele L. Zerr, Esquire and Woomer & Friday LLP, complains and alleges as follows:

1. Plaintiff Michael L. Jury is an adult individual residing at 1456 Market Street, Karthaus, Clearfield County, Pennsylvania 16845.

2. Defendant Merlin Knepp, Jr. is an adult individual residing at 487 Long Run Road, West Decatur, Clearfield County, Pennsylvania 16878.

3. Defendants Merlin C. Knepp, Sr. and Darlene Knepp are married adult individuals residing at 1714 Valee Road, Ponce De Leon, Florida, 32455.

4. At all relevant times to this matter, the husband and wife defendants leased, owned, possessed, maintained and/or controlled the real estate and improvements thereon at the premises, located at 439 Long Run Road, West Decatur, Clearfield County, Pennsylvania 16878 (the "premises").

5. At all relevant times, each defendant acted as authorized agent, servant, employee, subcontractor and assignee of the other defendants.

6. On or about June 10, 2005, plaintiff was an invitee lawfully on the aforementioned premises of defendants, where he was, at the request of defendants, assisting in placing a roof on a detached garage that was under construction on the premises.

7. At all relevant times, defendants designed, constructed, assembled and attached a wooden support structure or scaffold on the garage to allow placement of shingles on the roof of garage.

8. The scaffold was constructed of wood, nails and/or other fasteners at a height of approximately nineteen (19) feet.

9. At all relevant times, defendants owned, controlled and were responsible for the inspection, repair, maintenance, safety and operation of the scaffolding.

10. On or about June 10, 2005 at approximately 5:30 pm, while plaintiff was standing on the scaffold, it gave way, causing the plaintiff to fall approximately nineteen (19) feet and suffer serious injuries and damages described below.

11. As a direct and proximate result of the negligence, carelessness and recklessness of defendants, plaintiff sustained the following injuries, some or all of which may be permanent:

- a. Pain in left wrist and hand, low back, and right hip;
- b. Moderately severe compression fracture at L1 with mild retropulsion;
- c. Superior endplate compression fracture at L2;
- d. Limbus vertebra at L3;
- e. Spinal canal stenosis at L1;
- f. Epidural hematoma at L1;
- g. Prevertebral soft tissue abnormality and hematoma at L2;

- h. Post-traumatic changes of the posterior paraspinal soft tissues;
- i. Signal abnormality at T12 vertebral body and posterior elements of L1 vertebral body;
- j. Loss of disc height and disc dessication;
- k. Diffuse annular disc bulge with right foraminal protrusion at the L4-5 level with severe bilateral neural foramina narrowing, bilateral ligamentum flavum/facet joint hypertrophy, and mild spinal canal stenosis;
- l. Diffuse annular disc bulge with moderate left greater than right neural foramina narrowing and bilateral ligamentum flavum/facet joint hypertrophy at the L5-S1 level;
- m. Mild traumatic brain injury;
- n. Nervousness, emotional trauma and/or anxiety; bruises, contusions and other injuries in or about nerves, muscles, bones, tendons, ligaments, tissues and vessels of the body;
- o. Nervousness, emotional tension, anxiety, and depression; and
- p. Sleep deprivation and insomnia.

12. As a direct and proximate result of defendant's negligence, carelessness and recklessness, plaintiff sustained the following damages, some or all of which are or may be continuing:

- a. He has endured, and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of his injury, and emotional and psychological trauma;
- b. He has been, and will be required to, expend large sums of money for medical treatment and care, medical supplies, rehabilitation and therapeutic treatment, medicines and other attendant services;
- c. His general health, strength and vitality have been impaired;
- d. He may, in the future, have to face at least one, and possibly numerous,

surgeries;

- e. He has sustained and will continue to sustain lost earnings and his earning capacity has been and may be permanently impaired; and
- f. He has been and will in the future be unable to enjoy various pleasures of life that he previously enjoyed.

13. Plaintiff's injuries and damages were a direct and proximate result of defendant's negligence, generally and in the following particulars:

- a. In carelessly and negligently designing, constructing and erecting an unsafe, defective, and dangerous scaffold;
- b. In failing to provide sufficient warning as to the reasonably foreseeable dangers of the scaffold;
- c. In failing to exercise due and reasonable care under the circumstances in view of the foreseeable dangers and foreseeable accidents and injuries that could occur as a result of using or operating scaffold;
- d. In failing to adequately inspect the scaffold for the purpose of ascertaining its condition and correcting the same;
- e. In failing to secure the scaffolding to a wall capable of supporting the weight of the scaffolding and those on top of it;
- f. In causing and permitting the dangerous, hazardous, unsafe, and defective condition to exist on the premises for an unreasonable period of time;
- g. In providing a scaffolding that was unsafe for its intended use;
- h. In designing, constructing and maintaining the scaffolding in such a manner that invitees were at great risk of injury;
- i. In negligently designing, constructing, maintaining and operating the scaffolding such that plaintiff was caused to fall;
- j. In failing to properly assemble the scaffold;
- k. In failing to timely, properly or regularly inspect the scaffolding for defects;

- l. In failing to provide a safety net or harness to protect plaintiff and other invitees working on the Premises from falling from the roof or scaffolding;
- m. In failing to remove, repair, or cordon off the unsafe condition of the scaffolding;
- n. In failing to provide scaffolding or other safety equipment capable of protecting the Plaintiff and other invitees working on the Premises;
- o. In using inadequate fasteners;
- p. In failing to utilize a competent carpenter, engineer of construction professional to design and erect the scaffold;
- q. In building a structure in violation of state, local and national building codes, statutes, rules and regulations;
- r. In failing to properly or adequately test the scaffolding;
- s. In failing to warn plaintiff of the dangers, hazardous and defective condition of the scaffold; and
- t. In representing to plaintiff that the scaffold was safe when it was not.

WHEREFORE, plaintiff demands judgment against each and every above-named defendant in an amount in excess of the jurisdictional limits for compulsory arbitration, together with court costs, interest and all other relief the Court may deem just and equitable.

A JURY TRIAL IS DEMANDED.

Woomer & Friday LLP



Peter D. Friday, Esquire
Pa I.D. # 48746


Michele L. Zerr, Esquire
Pa. I.D. #201655

Attorneys for Plaintiff

3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)563-7980

VERIFICATION

I, Michael Jury, being duly sworn according to law, depose and say that the facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


Michael Jury

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

**NOTICE OF SERVICE PLAINTIFF'S
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT MERLIN C.
KNEPP, SR. AND PLAINTIFF'S
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT DARLENE
KNEPP**

Filed on behalf of Plaintiff:
MICHAEL L. JURY

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412)563-7980
Fax # (412)563-0120

JURY TRIAL DEMANDED

Notice of Service

FILED *no cc*
11:49/67
OCT 16 2006 *W*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendant.

NOTICE OF SERVICE

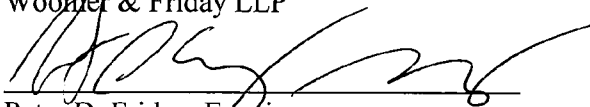
NOTICE IS HEREBY GIVEN that the undersigned did cause to be served on October 13, 2006 a true and correct copy of *Plaintiff's Interrogatories and Requests for Production of Documents Directed to Defendant Merlin C. Knepp, Sr.* and *Plaintiff's Interrogatories and Requests for Production of Documents Directed to Defendant Darlene Knepp* by first class U.S. mail, postage prepaid, upon the following, to-wit:

Merlin Knepp, Jr.
487 Long Run Road
West Decatur, PA 16878

Merlin C. Knepp, Sr.
1714 Valee Road
Ponce DeLeon, FL 32455-6802

Darlene Knepp
1714 Valee Road
Ponce DeLeon, FL 32455-6802

Woomer & Friday LLP



Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)563-7980

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR.; MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Number 06 - 1671 C. D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on Behalf of: Merlin Knepp, Jr.

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

NOV 06 2006

WJZ:15/12

William A. Shaw
Prothonotary/Clerk of Courts

NO C/C

COPY TO C/H

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR.; MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 06 - 1671 C. D.

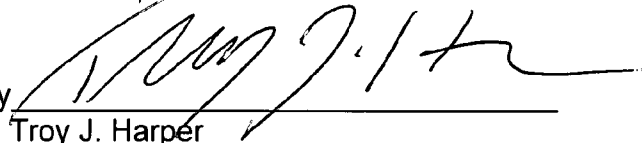
APPEARANCE

TO THE PROTHONOTARY:

Enter our Appearance on behalf of Merlin Knepp, Jr., one of the Defendants in the
above captioned matter.

DENNISON, DENNISON & HARPER

By



Troy J. Harper

Attorneys for Merlin Knepp, Jr., Defendant

CERTIFICATE OF SERVICE

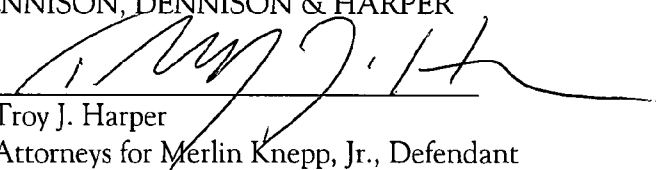
I certify that a true and correct copy of the foregoing Appearance was served on the 3rd day of November, 2006, by United States Mail, First Class, postage prepared, addressed to the following:

Peter D. Friday, Esq. - Attorney for Plaintiff
Woomer & Friday
3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216

Merlin C. Knepp, Sr., and Darlene Knepp - Defendants
1714 Valee Road
Ponce DeLeon, FL 32455

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Merlin Knepp, Jr., Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

**PROOF OF SERVICE BY CERTIFIED
MAIL ON DEFENDANT PURSUANT TO
PA. R.C.P. §405(c)**

Filed on behalf of Plaintiff:
MICHAEL L. JURY

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412)563-7980
Fax # (412)563-0120

JURY TRIAL DEMANDED

FILED
11/12:05 am
NOV 13 2006
Noc.
UP

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

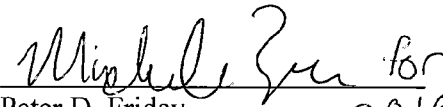
**PROOF OF SERVICE BY CERTIFIED MAIL ON DEFENDANT
PURSUANT TO PA. R.C.P. §405(c)**

Plaintiff, Michael Jury, by and through his attorneys Peter D. Friday, Michele L. Zerr and
Woomer & Friday LLP files the instant proof of service as follows:

1. The instant case was initiated by Complaint in Civil Action on October 12, 2006.
2. On or about, October 13, 2006, a copy of the Complaint in Civil Action was
mailed to the defendant, Darlene Knepp, via certified mail, return receipt requested.
3. Said Complaint was received by Defendant on 10/16/2006, as reflected on the
United States Postal Service return receipt, a copy of which is attached hereto and incorporated
herein by reference and referred hereto as Exhibit A.

Woomer & Friday LLP

BY:


Peter D. Friday
Attorney for Plaintiff
PA I.D. #: 48746
2016 SS

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)563-7980

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of November, 2006, a copy of the foregoing Proof Of Service By Certified Mail On Defendant Pursuant To Pa. R.C.P. §405(C) was served by First Class U.S. Mail, postage prepaid, upon the following:

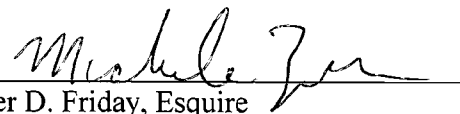
Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Merlin C. Knepp, Sr.
1714 Valee Road
Ponce De Leon, FL 32455

Darlene Knepp
1714 Valee Road
Ponce De Leon, FL 32455

Woomer & Friday LLP

By:


Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Darlene Knepp
1714 VALER ROAD
Ponce De Leon, FL
32455

2. Article Number

(Transfer from service label)

7006 0100 0006 6287 6236

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Cassan Roberto ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Cassan Roberto

C. Date of Delivery

10-10-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

7006 0100 0006 6287 6236

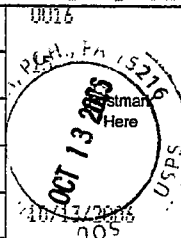
U.S. Postal Service
CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

PONCE DE LEON FL 32455

OFFICIAL USE

Postage	\$	\$4.05
Certified Fee		\$2.40
Return Receipt Fee (Endorsement Required)		\$1.85
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$8.30



Sent To *Darlene Knepp*

Street, Apt. No.,
or PO Box No. *1714 VALER RD*

City, State, ZIP+4 *Ponce De Leon FL 32455*

PS Form 3800, June 2002 See Reverse for Instructions

**PLAINTIFF'S
EXHIBIT**

"A"

Woomer & Friday^{LLP}

ATTORNEYS AT LAW

Robert B. Woomer
Peter D. Friday*
Thomas D. Hall*
Cynthia M. Porta-Clark*
Brian D. Cox
James C. Ward
Richard G. Talarico
Michele L. Zerr
*Also admitted in West Virginia

3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216
412-563-7980
Fax 412-563-0120
TOLL FREE 1-800-563-7980
woomerandfriday.com

November 10, 2006

William Shaw, Prothonotary
Common Pleas Court
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

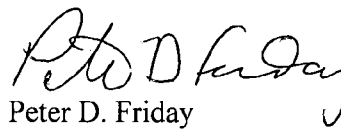
Re: Michael Jury v. Merlin & Darlene Knepp, et al.
Clearfield County Court of Common Pleas Case No. 06-1671-CD

Dear Mr. Shaw

Enclosed please find original Proofs of Service by Certified Mail On Defendant Pursuant to PA. RCP 405(c) in the above-captioned matter, together with 1 additional coversheets for each. Please file the originals, conform the coversheets with the Court's filing stamp and return said coversheets to me in the enclosed pre-addressed, stamped envelope.

Thank you.

Very truly yours,



Peter D. Friday
pfriday@woomerandfriday.com

PDF/mr
Enclosure

cc: Troy J. Harper, Esquire (w/enclosure)
Merlin C. Knepp, Sr. (w/ enclosure)
Darlene Knepp (w/enclosure)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

**PROOF OF SERVICE BY CERTIFIED
MAIL ON DEFENDANT PURSUANT TO
PA. R.C.P. §405(c)**

Filed on behalf of Plaintiff:
MICHAEL L. JURY

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412)563-7980
Fax # (412)563-0120

JURY TRIAL DEMANDED

FILED
M/12:05 cm No CC.
NOV 13 2006 (cm)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

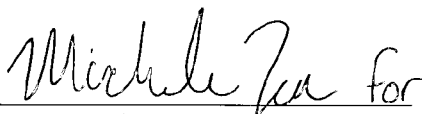
**PROOF OF SERVICE BY CERTIFIED MAIL ON DEFENDANT
PURSUANT TO PA. R.C.P. §405(c)**

Plaintiff, Michael Jury, by and through his attorneys Peter D. Friday, Michele L. Zerr and
Woomer & Friday LLP files the instant proof of service as follows:

1. The instant case was initiated by Complaint in Civil Action on October 12, 2006.
2. On or about, October 13, 2006, a copy of the Complaint in Civil Action was
mailed to the defendant, Merlin C. Knepp, Sr., via certified mail, return receipt requested.
3. Said Complaint was received by Defendant on 10/16/2006, as reflected on the
United States Postal Service return receipt, a copy of which is attached hereto and incorporated
herein by reference and referred hereto as Exhibit A.

Woomer & Friday LLP

BY:

 for
Peter D. Friday # 201055
Attorney for Plaintiff
PA I.D. #: 48746

Woomer & Friday LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)563-7980

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of November, 2006, a copy of the foregoing Proof Of Service By Certified Mail On Defendant Pursuant To Pa. R.C.P. §405(C) was served by First Class U.S. Mail, postage prepaid, upon the following:

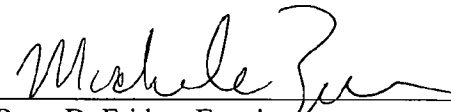
Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Merlin C. Knepp, Sr.
1714 Valee Road
Ponce De Leon, FL 32455

Darlene Knepp
1714 Valee Road
Ponce De Leon, FL 32455

Woomer & Friday LLP

By:


Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <div style="border-bottom: 1px solid black; width: 150px; margin: 5px 0;"> <i>Cassandra</i> </div> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) <div style="border-bottom: 1px solid black; width: 150px; margin: 5px 0;"> <i>Cassandra</i> </div> </p> <p>C. Date of Delivery <div style="border-bottom: 1px solid black; width: 100px; margin: 5px 0;"> <i>10-16-06</i> </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <i>Merlin C. Knepp, Sr.</i> <i>1714 VALEC ROAD</i> <i>Ponce DeLeon, FL</i> <i>32455</i> </div>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7006 0100 0006 6287 6243</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7006 0100 0006 6287 6243

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PS Form 3800, June 2002 See Reverse for Instructions



MICHAEL L. JURY.
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:
: No. 2006-1671 CD

:
: Entry of Appearance on behalf of
: Defendants Merlin C. Knepp, Sr. and
: Darlene Knepp

:
: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED ^{NO CC}
NOV 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

ENTRY OF APPEARANCE

Enter my appearance for Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, in the above captioned case. Papers may be served at the address stated below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in the above captioned case.

We certify that this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties herein.

Dated: November 27, 2006



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS,
Merlin C. Knepp, Sr. and Darlene Knepp
969 Eisenhower Blvd., Suite I
Johnstown, PA 15904
I.D. No. 19855

cc: Michele L. Zerr, Esquire
Troy J. Harper, Esquire

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:
: No. 2006-1671 CD

:
: Answer, New Matter, and New Matter
: Pursuant to PA R.C.P. 2252 (d) on behalf
: of Defendants Merlin C. Knepp, Sr. and
: Darlene Knepp

:
: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED *NOCC*
DEC 11 2006 *11:15/61*

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

No. 2006-1671 CD

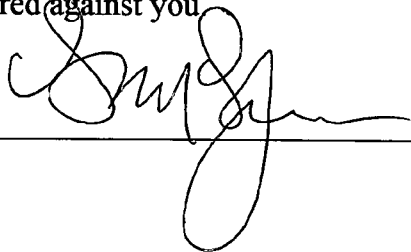
ANSWER, NEW MATTER AND
NEW MATTER PURSUANT TO PA
R.C.P. 2252(d)

TO THE WITHIN NAMED PARTIES:

Counsel of record for filing party:

You are hereby notified to
plead to the enclosed New Matter and New
Matter Pursuant to PA R.C.P. 2252(d)
within twenty (20) days from the date of
service hereof or default judgment will be
entered against you

DENNIS M. McGLYNN, ESQUIRE
969 Eisenhower Boulevard
Suite I
Johnstown, Pennsylvania 15904
(814) 262-0812
I.D. No. 19855



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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
:
:
:

DEFENDANTS' MERLIN C. KNEPP, SR. AND DARLENE KNEPP
ANSWER, NEW MATTER AND NEW MATTER
PURSUANT TO PA R.C.P. 2252 (d)

AND NOW come the Defendants Merlin C. Knepp, Sr. and Darlene Knepp
by and through their counsel Dennis M. McGlynn, Esquire, and files the following
Answer, New Matter and New Matter Pursuant to PA R.C.P. 2252(d) to Plaintiff's
Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. This allegation is specifically denied as a conclusion of law to
which no further response is required.
6. Denied. The Plaintiff is the nephew of these answering Defendants and
had volunteered to help erect this structure without pay.

7. Denied. These answering Defendants did not design, construct, assemble or attach the wooden support structure to the garage.

8. Admitted.

9. Admitted in part and denied in part. It is admitted that these Defendants were involved as indicated however, it is further stated that the Plaintiff also had the same rules concerning the scaffolding involved and is therefore comparatively negligent.

10. Admitted.

11. Denied. It is specifically denied these answering Defendants were negligent, careless or reckless in any fashion. As to the remainder of the allegation, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

12. Denied. It is specifically denied these answering Defendants were negligent, careless or reckless in any fashion. As to the remainder of the allegation, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment and therefore, proof is required.

13. Denied. It is specifically denied these answering Defendants were negligent in any fashion. Further as to a. through t., these specific averments are denied generally pursuant to PA R.C.P. 1029(e) as amended.

WHEREFORE, Defendants Merlin C. Knepp, Sr. and Darlene Knepp pray for judgment on their behalf.

NEW MATTER

By way of further answer, Defendants aver as follows:

14. The Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are informed, believe, and therefore aver that the Plaintiff is contributorily and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978 Pl. 202 No. 53 Section 10(89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after September 7, 1976 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

15. In the alternative, pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act. 42 Pa. CSA §7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

16. Plaintiff was contributorily negligent and/or assumed the risk of his actions by fully understanding the risk, voluntarily choosing to encounter it and under circumstances that manifest a willingness to accept it.

WHEREFORE, Defendants Merlin C. Knepp, Sr. and Darlene Knepp pray for judgment on their behalf.

NEW MATTER PURSUANT TO PA R.C.P. 2252(d)

Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, join Defendant, Merlin Knepp, Jr., as an Additional Defendant in this lawsuit.

If at the time of trial the Plaintiffs are entitled to recover for damages alleged and these answering Defendants are held liable, a liability they expressly deny, then and in that event, these answering Defendants demand the right of indemnification against the Additional Defendant. In the event that indemnification is denied, then answering Defendants demand the right of contribution against the co-Defendant/Additional Defendant, Merlin Knepp, Jr. As a grounds of liability against the Additional Defendant, Merlin Knepp, Jr., this party incorporates by reference, all allegations of negligence against co-Defendant/Additional Defendant, Merlin Knepp, Jr., as set forth in Plaintiff's Complaint.

WHEREFORE, by this New Matter, Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, reserve their right of indemnification and/or contribution and demands judgment on their behalf.

Respectfully submitted,



DENNIS M. MCGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

VERIFICATION

We, Merlin C. Knepp, Sr. and Darlene Knepp hereby swear or affirm that the facts set forth in the foregoing Answer, New Matter and New Matter Pursuant to PA R.C.P. 2252(d) are true and correct to the best of our knowledge, information and belief. This statement is made subject to the penalties of 18 PA C.S., Section 4904 relating to unsworn falsification to authorities.

Merlin C Knepp Sr.
Merlin C. Knepp, Sr.

Darlene Knepp
Darlene Knepp

Date 12-3-06

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Answer, New Matter, and New Matter Pursuant to PA R.C.P. 2252(d) on behalf of Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, was forwarded on the 7th day of December, 2006, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Answer, New Matter and
New Matter Pursuant to Pa.R.C.P. 2252(d)

Filed on behalf of: Defendant, Merlin C.
Knepp, Jr.

Counsel of Record for this Party:



Troy J. Harper

Supreme Court Number: 74753

John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED 
DEC 13 2006
12:30 / 
William A. Shaw
Prothonotary/Clerk of Courts
no C/C

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*

* Civil Action - Law

*

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* Number 2006 - 1671 C.D.

NOTICE TO PLEAD

TO: PLAINTIFF:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

TO: DEFENDANTS, MERLIN C. KNEPP, SR. AND DARLENE KNEPP:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By



Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*

* Civil Action - Law

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* Number 2006 - 1671 C.D.

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

AND NOW, comes the Defendant, MERLIN KNEPP, JR., by and through his attorneys, Dennison, Dennison & Harper, who file the following Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) in response to the Plaintiff's Complaint:

1. Admitted.

2. Admitted.

3. Admitted.

4. The averments of Paragraph 4 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Merlin C. Knepp, Jr. As such, no further response is deemed required.

5. Denied. On the contrary, at all times material hereto, the Defendant, Merlin C. Knepp, was acting in his individual capacity and not as an agent, servant, employee, subcontractor or assignee of any other party.

6. The averment of Paragraph 6 of the Plaintiff's Complaint that the Plaintiff was an invitee lawfully on the premises is a conclusion of law to which no further response is required.

With respect to the remaining averments of Paragraph 6 of the Plaintiff's Complaint, said averments are denied as stated. On the contrary, the Plaintiff was not requested to assist with the construction but, rather, volunteered to assist with the construction of a detached garage that was under construction on Long Run Road, West Decatur, Pennsylvania.

7. Denied as stated. On the contrary, the Defendant, Merlin C. Knepp, Jr., constructed and assembled what he refers to as jack stands to assist with various phases of the construction of a detached garage.

8. The averments of Paragraph 8 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

9. The averments of Paragraph 9 of the Plaintiff's Complaint constitute conclusions of law to which no response is deemed required. To the extent any additional response would be deemed required, said averments are denied pursuant to Pa.R.C.P. 1029(e).

10. The averments of Paragraph 10 of the Plaintiff's Complaint are admitted only insofar as that on or about June 10, 2005, the Plaintiff was standing on or near one of the jack stands or a plank of wood. The remaining averments of Paragraph 10 of the of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

11. To the extent the averments of Paragraph 11 of the Plaintiff's Complaint are directed to the answering Defendant, Merlin C. Knepp, Jr., the averments that the Defendant, Merlin C. Knepp, Jr., was negligent, careless or reckless are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 11 of the Plaintiff's Complaint and subparagraphs a. through p. thereof, after reasonable investigation, the

Defendant, Merlin C. Knepp, Jr., is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

12. To the extent the averments of Paragraph 12 of the Plaintiff's Complaint are directed to the answering Defendant, Merlin C. Knepp, Jr., the averments that the Defendant, Merlin C. Knepp, Jr., was negligent, careless or reckless are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 12 of the Plaintiff's Complaint and subparagraphs a. through f. thereof, after reasonable investigation, the Defendant, Merlin C. Knepp, Jr., is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

13. With respect to Paragraph 13 of the Plaintiff's Complaint alleging any injuries or damages, after reasonable investigation, the Defendant, Merlin C. Knepp, Jr., is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied. To the extent the remaining averments of Paragraph 13 of the Plaintiff's Complaint and subparagraphs a. through t. thereof are directed to the answering Defendant, Merlin C. Knepp, Jr., said averments are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr. demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

NEW MATTER DIRECTED TO PLAINTIFF

14. The alleged injuries and/or damages sustained by the Plaintiff, without admission of the same, were caused or contributed to, in whole or in part, by persons or entities other than the Defendant, Merlin C. Knepp, Jr., and over whom the Defendant, Merlin C. Knepp, Jr. had no control, and for whose actions the Defendant, Merlin C. Knepp, is not liable.

15. All of the Plaintiff's claims are barred by the applicable statute of limitations.

16. The Plaintiff has failed to state a claim against the Defendant, Merlin C. Knepp, Jr., upon which relief can be granted.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr. demands judgment in his favor and against the Plaintiff. **JURY TRIAL DEMANDED.**

**NEW MATTER PURSUANT TO P.A.R.C.P. 2252(d) DIRECTED TO
THE DEFENDANTS, MERLIN C. KNEPP, SR. AND DARLENE KNEPP**

17. The Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are solely liable to the Plaintiff for any alleged damages suffered by him, without admission of the same, and the averments of the Plaintiff's Complaint directed against the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim for sole liability.

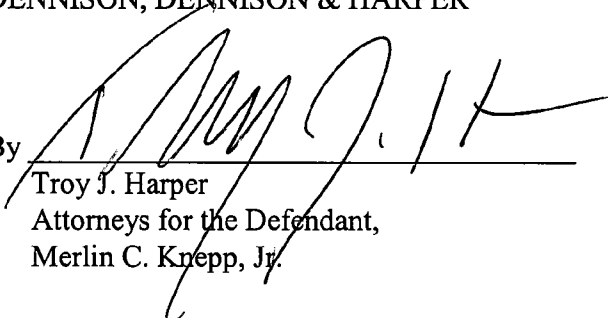
18. If the Defendant, Merlin C. Knepp, Jr., is held liable to the Plaintiff on any cause of action as set forth in the Plaintiff's Complaint, such liability being expressly denied, then the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are liable over to the Defendant, Merlin C. Knepp, Jr., for contribution and/or indemnity, and the averments of the Plaintiff's Complaint

directed against the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim against the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, for indemnity and contribution.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr., joins the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, as Additional Defendants and demands judgment against them as being solely liable for the damages claimed by the Plaintiff, or in the alternative, as being liable over to the Defendant, Merlin C. Knepp, Jr., for indemnity and/or contribution. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By



Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

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

Merlin Knepp, Jr.

CERTIFICATE OF SERVICE

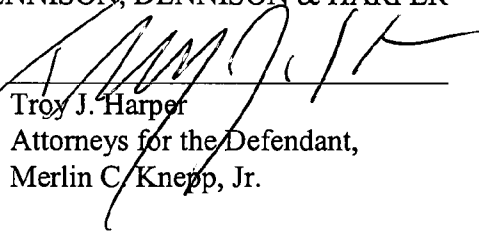
I certify that a certified copy of the Defendant, Merlin C. Knepp, Jr.'s, Answer, New Matter and New matter Pursuant to Pa.R.C.P. 2252(d) was served on the 11th day of December, 2006, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Peter D. Friday, Esq.
Woomer & Friday, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, Pennsylvania 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant,
Merlin C. Knepp, Jr.

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

MICHAEL L. JURY,
Plaintiff,

CIVIL ACTION - LAW

Docket No.: 06-1671-CD

vs.

MERLIN KNEPP, Jr., MERLIN C.
KNEPP, Sr. and DARLENE KNEPP,
Defendants.

**PLAINTIFF'S REPLY TO
DEFENDANTS MERLIN KNEPP, Sr.
AND DARLENE KNEPP'S NEW
MATTER AND NEW MATTER
PURSUANT TO PA R.C.P. 2252(d)**

Filed on Behalf of Plaintiff:
Michael L. Jury

Counsel of Record for this Party:

Peter D. Friday, Esquire
PA I.D. #: 48746

Michele L. Zerr, Esquire
PA I.D. # 201655

Friday Porta Cox & Ward LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(412) 561-4290

JURY TRIAL DEMANDED

FILED
JAN 03 2007
m/12/15/07
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

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

MICHAEL L. JURY,

Plaintiff,

CIVIL DIVISION

Docket No.: 06-1671-CD

vs.

MERLIN KNEPP, Jr., MERLIN C. KNEPP,
Sr. and DARLENE KNEPP,

Defendants.

**PLAINTIFF'S REPLY TO DEFENDANTS MERLIN KNEPP, Sr.
AND DARLENE KNEPP'S NEW MATTER AND
NEW MATTER PURSUANT TO PA R.C.P. 2252(d)**

Plaintiff Michael L. Jury, by and through his attorneys, Peter D. Friday, Esquire, Michele L. Zerr, Esquire, and Friday Porta Cox & Ward LLP, files the following Reply to Defendants Merlin Knepp, Sr. and Darlene Knepp's New Matters:

14. Paragraph 14 states conclusions of law to which no response is required. Further paragraph 14 is denied pursuant to Pa. R.C.P. 1029.

15. Paragraph 15 states conclusions of law to which no response is required. Further, paragraph 15 is denied pursuant to Pa. R.C.P. 1029.

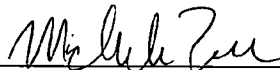
16. Paragraph 16 states conclusions of law to which no response is required. Further, paragraph 16 is denied pursuant to Pa. R.C.P. 1029.

17. Defendants' New Matter pursuant to PA R.C.P. 2252(d) states a reservation of a right to indemnification and contribution to which no response is required. To the extent a response is required, plaintiff is without knowledge or information sufficient to form a belief as

to the truth of the factual averments included in defendants' New Matter pursuant to PA R.C.P.
2252(d), and accordingly they are denied and strict proof is demanded.

WHEREFORE, plaintiff demands judgment in his favor and against defendants.

Respectfully submitted,

By: 
Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

Attorneys for Plaintiff

Friday Porta Cox & Ward LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)561-4290

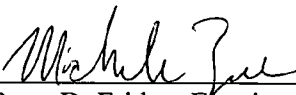
CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2006, a copy of the foregoing ***Plaintiff's Reply to Defendants Merlin C. Knepp, Sr. and Darlene Knepp's New Matter and New Matter pursuant to PA R.C.P. 2252(d)*** was served by First Class U.S. Mail, postage prepaid, upon the following:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(*Counsel for Merlin Knepp, Jr.*)

Dennis M. McGlynn, Esquire
969 Eisenhower Boulevard, Suite 1
Johnstown, PA 15904
(*Counsel for Merlin Knepp, Sr. and Darlene Knepp*)

Friday Porta Cox & Ward LLP

By: 
Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. # 201655

Friday Porta Cox & Ward LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)561-4290

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:
: No. 2006-1671 CD

:
: Reply to New Matter Pursuant to
: PA R.C.P. 2252 (d) on behalf
: of Defendants Merlin C. Knepp, Sr. and
: Darlene Knepp

:
: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED

JAN 08 2007

M/1:10/07
William A. Shaw

Prothonotary/Clerk of Courts

we 4/6

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

JAN 08 2007

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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No. 2006-1671 CD

DEFENDANTS MERLIN C. KNEPP, SR. AND DARLENE KNEPP'S
REPLY TO NEW MATTER PURSUANT TO PA. R.C.P. 2252(d)

AND NOW come the Defendants Merlin C. Knepp, Sr. and Darlene Knepp by and through their counsel Dennis M. McGlynn, Esquire, and files the following Reply to New Matter Pursuant to PA. R.C.P. 2252(d) of Defendant Merlin Knepp, Jr.:

17. Denied. The allegations set forth at Paragraph 17 are conclusions of law to which no response is required. To the extent that a response may be required, the allegations of Paragraph 17 are denied.

18. Denied. The allegations set forth at Paragraph 18 are conclusions of law to which no response is required. To the extent that a response may be required, the allegations of Paragraph 18 are denied.

WHEREFORE, Defendants Merlin C. Knepp, Sr. and Darlene Knepp pray for judgment on their behalf.


Respectfully submitted,

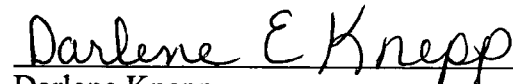
A handwritten signature in black ink, appearing to read "Dennis M. McGlynn", written over a horizontal line.

DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

VERIFICATION

We, Merlin C. Knepp, Sr. and Darlene Knepp hereby swear or affirm that the facts set forth in the foregoing Reply to New Matter Pursuant to PA. R.C.P. 2252(d) are true and correct to the best of our knowledge, information and belief. This statement is made subject to the penalties of 18 PA C.S., Section 4904 relating to unsworn falsification to authorities.


Merlin C. Knepp, Sr.


Darlene Knepp

Date 12-24-06

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Reply to New Matter Pursuant to PA R.C.P. 2252(d) on behalf of Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, was forwarded on the 4th day of January, 2007, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102027
NO: 06-1671-CD
SERVICE # 1 OF 1
COMPLAINT; PLFF. FIRST SET OF

INTERROGATORIES

PLAINTIFF: MICHAEL L. JURY

vs.

DEFENDANT: MERLIN KNEPP JR., MERLIN C. KNEPP SR. and DARLENE KNEPP

SHERIFF RETURN

NOW, October 20, 2006 AT 1:06 PM SERVED THE WITHIN COMPLAINT; PLFF. FIRST SET OF INTERROGATORIES ON MERLIN KNEPP JR. DEFENDANT AT 487 LONG RUN ROAD, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MERLIN KNEPP, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT; PLFF. FIRST SET OF INTERROGATORIES AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

FILED
07/11/14
JAN 23 2007


William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WOOMER	36275	10.00
SHERIFF HAWKINS	WOOMER	36275	37.58

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:

: No. 2006-1671 CD

:

: Notice of Service of Interrogatories/
: Request for Production of Documents
: of Defendants Merlin C. Knepp, Sr. and
: Darlene Knepp

:

: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED
JAN 25 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

vs.

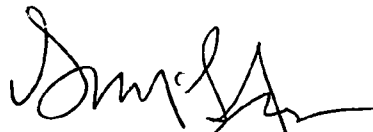
MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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: No. 2006-1671 CD
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**NOTICE OF SERVICE OF INTERROGATORIES/
REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Prothonotary, Clearfield County

Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, by their attorney,
Dennis M. McGlynn, Esquire, hereby notifies the Court that Interrogatories/Request for
Production of Documents have been served upon the Plaintiff, Michael L. Jury, by
mailing an original and one copy of same to his counsel, Peter D. Friday, Esquire, and
Michele L. Zerr, Esquire, at 3220 West Liberty Avenue, Suite 200, Pittsburgh, PA 15216
on this 24th day of January, 2007.



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Reply to Defendants,
Merlin C. Knepp, Sr. and Darlene Knepp's,
New Matter Pursuant to Pa.R.C.P. 2252(d)

Filed on behalf of: Defendant, Merlin C.
Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED^{NO CC}
M/F 1764
FEB 05 2007 (UN)

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*

* Civil Action - Law

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* Number 2006 - 1671 C.D.

**REPLY TO DEFENDANTS, MERLIN C. KNEPP, SR. AND DARLENE KNEPP'S,
NEW MATTER PURSUANT TO PA.R.C.P. 2252(D)**

AND NOW, comes the Defendant, MERLIN KNEPP, JR., by and through his attorneys,
Dennison, Dennison & Harper, who file the following Reply to Defendants, Merlin C. Knepp, Sr.
and Darlene Knepp's, New Matter Pursuant to Pa.R.C.P. 2252(d):

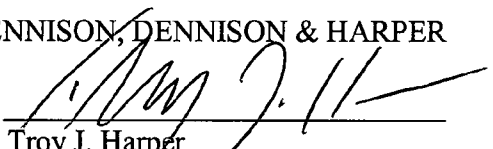
The averments of the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp's, New
Matter Pursuant to Pa.R.C.P. 2252(d) are not contained within a numbered paragraph.

Notwithstanding the foregoing, said averments constitute conclusions of law, and no response is
deemed required. To the extent any further response would be deemed required, said averments
are denied pursuant to Pa.R.C.P. 1029(e), and the averments of the Defendant, Merlin Knepp,
Jr.'s, Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) filed in response to
the Plaintiff's Complaint are incorporated herein by reference thereto.

WHEREFORE, the Defendant, Merlin Knepp, Jr., demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant,
Merlin Knepp, Jr.

CERTIFICATE OF SERVICE

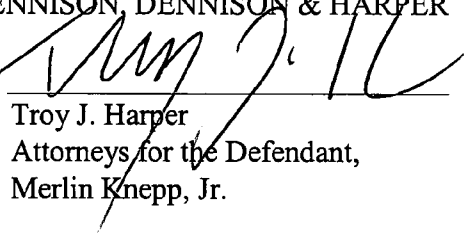
I certify that a true and correct copy of the foregoing Reply to New Matter was served on the 2nd day of February, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Peter D. Friday, Esq.
Woomer & Friday, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, Pennsylvania 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin Knepp, Jr.

VERIFICATION

I verify that the averments made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read 'M. Knepp, Jr.', is written over a horizontal line.

Merlin Knepp, Jr.

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

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

**PRAECIPE FOR SUBSTITUTION OF
APPEARANCE**

Defendant.

Filed on behalf of Plaintiff:

Michael L. Jury

Counsel of Record for this Party:

Peter D. Friday, Esquire

Pa I.D. # 48746

Michele L. Zerr, Esquire

Pa I.D. #201655

Friday Porta Cox & Ward LLP

3220 West Liberty Avenue, Suite 200

Pittsburgh, PA 15216-2320

Tele # (412)561-4290

Fax # (412)561-4291

JURY TRIAL DEMANDED

FILED *NO CC*
mjl 125/61
FEB 05 2007 *(W)*

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendant.

PRAECIPE FOR SUBSTITUTION OF APPEARANCE

TO THE PROTHONOTARY:

Kindly substitute Peter D. Friday, Esquire, Michele L. Zerr, Esquire and the law firm
Friday Porta Cox & Ward LLP for the law firm Woomer & Friday LLP as counsel for plaintiff.

Respectfully submitted January 31, 2007.

Friday Porta Cox & Ward LLP



Peter D. Friday, Esquire
Pa I.D. # 48746

Michele L. Zerr, Esquire
Pa I.D. #201655

Attorneys for Plaintiff


CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2007, a true and correct copy of the foregoing *Praeceptum for Substitution of Appearance* was served by First Class U.S. Mail, postage prepaid, upon the following:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Dennis M. McGlynn, Esquire
969 Eisenhower Blvd, Suite I
Johnstown, PA 15904
(Counsel for Merlin C. Knepp, Sr and Darlene Knepp)

Friday Porta Cox & Ward LLP

By: 
Peter D. Friday, Esquire
Attorney for Plaintiff

3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)561-4290

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant, Merlin C.
Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED No CC-
M/11:40 am
FEB 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*

* Civil Action - Law

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* Number 2006 - 1671 C.D.

CERTIFICATE OF SERVICE

I certify that an original and one certified copy of the Defendant, Merlin C. Knepp, Jr.'s, Answers, Responses and Objections to Plaintiff's First Set of Interrogatories and Request for Production of Documents were served on the 8th day of February, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

and one certified copy on the following:

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, Pennsylvania 15904

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED
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FEB 12 2007
JPM
John A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 2006 - 1671 C.D.

CERTIFICATE OF SERVICE

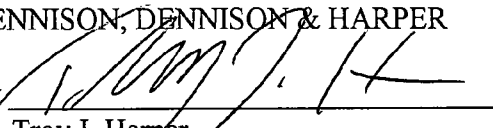
I certify that an original and two certified copies of the First Set of Interrogatories
Directed to the Plaintiff and an original and two certified copies of the First Set of Request for
Production of Documents Directed to the Plaintiff were served on the 9th day of February,
2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216

Dennis M. McGlynn, Esquire
969 Eisenhower Boulevard
Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

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

MICHAEL L. JURY,
Plaintiff

VS.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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No. 2006-1671 CD

MOTION TO COMPEL

Counsel of record for filing party:

DENNIS M. McGLYNN, ESQUIRE
969 Eisenhower Boulevard
Suite I
Johnstown, Pennsylvania 15904
(814) 262-0812
I.D. No. 19855

FILED NO
m 110:53/64 CC
JUL 26 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,
Plaintiff

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: No. 2006-1671 CD

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AND NOW come the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, by and through their counsel, Dennis M. McGlynn, Esquire, and files this Motion to Compel Discovery and in support thereof avers as follows:

1. Plaintiff, Michael L. Jury, initiated the above cause of action as a result of a scaffolding accident, which occurred at 439 Long Run Road, West Decatur, Clearfield County, Pennsylvania.

2. In January, 2007, Defendants served Interrogatories/Request for Production of Documents on Plaintiff's counsel, with the notice to answer within 30 days according to PA R.C.P. To date, no answer or response has been received.

3. On April 10, 2007, and May 9, 2007, Defendants inquired by letter as to the status of the Interrogatories/Request for Production of Documents. To date, no response has been received.

4. The discovery request seeks necessary and relevant information with regard to claims being asserted by the parties to within cause of action and are reasonable in scope.

5. Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are entitled to an Order compelling Plaintiff to answer the Interrogatories/Request for Production of Documents pursuant to Rule 4019 of the PA. R.C.P. and to have their costs and attorneys fees reimbursed.

WHEREFORE, Defendants respectfully request that this Court compel Plaintiff to produce such documents as are requested, additionally under PA. R.C.P. Sec. 4019 Defendants are entitled to their cost for having had to file this Motion.

Respectfully submitted,



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS,
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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: No. 2006-1671 CD
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion to Compel on behalf of Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, was forwarded on the 25th day of July, 2007, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

FILED

JUL 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

Order Recd
by Judge
Thompson

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN C. KNEPP, JR., MERLIN C.
MERLIN C. KNEPP, SR., and DARLENE
KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
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* Number 1671 - 2006 C.D.

ORDER

AND NOW, July 26, 2007, the

Defendant, Merlin C. Knepp, Jr., having filed a Motion to Compel;

IT IS HEREBY ORDERED that the Plaintiff is directed to file and serve full and complete answers to the Defendant, Merlin C. Knepp, Jr.'s, First Set of Interrogatories and First Set of Request for Production of Documents within twenty (20) days from the date of service of this Order. If full and complete answers to the Interrogatories and Request for Production of Documents are not filed and served within said time, the Court will impose appropriate sanctions.

BY THE COURT,

FILED

9/23/07
JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

1cc
Atty Harper
GK

Paul E. Cherry
J.

FILED

JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/27/07

☒ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

UP
FILED

JUL 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

1 c 6 nr 70
ATTN

MICHAEL L. JURY,

CIVIL ACTION - LAW

Plaintiff,

Number 1671 - 2006 C.D.

vs.

Type of Case: Civil Division

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,

Type of Pleading: Motion to Compel

Defendants.

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
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* Number 1671 - 2006 C.D.

MOTION TO COMPEL

AND NOW, comes the Defendant, MERLIN C. KNEPP, JR., by his attorneys, Dennison, Dennison & Harper, who file the following Motion to Compel pursuant to Pa.R.C.P. 4019:

1. On or about October 12, 2006, the Plaintiff filed a Complaint alleging that he was injured on June 10, 2005, after falling from scaffolding while assisting to place a roof on a detached garage at the property located at 487 Long Run Road, West Decatur, Clearfield County, Pennsylvania 16878, owned by the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp.

2. On or about December 11, 2006, the Defendant, Merlin C. Knepp, Jr., filed an Answer, New Matter and New Matter to the Plaintiff's Complaint.

3. On or about February 9, 2007, the Defendant, Merlin C. Knepp, Jr., served a First Set of Interrogatories and a First Set of Request for Production of Documents Directed to the Plaintiff upon counsel for the Plaintiff. A true and correct copy of the Interrogatories, Request for Production of Documents and the Certificate of Service are attached hereto as Exhibit "A" and made part hereof.

4. Pursuant to Pa.R.C.P. 4006 (a)(2) and 4009.12, the Plaintiff's Answers to the Interrogatories and Request for Production of Documents were due on or before March 12, 2007.

5. The Plaintiffs failed to answer the Interrogatories and Request for Production of Documents by March 12, 2007.

6. By letter dated May 22, 2007, directed to counsel for the Plaintiffs, counsel for the Defendant, Merlin C. Knepp, Jr., requested that the Plaintiff respond to the Interrogatories and Request for Production of Documents. A true and correct copy of Defendant's counsel's file copy of the letter dated May 22, 2007, is attached hereto as Exhibit "B" and made part hereof.

7. To date, the Plaintiff has failed to respond to the Interrogatories and Request for Production of Documents.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr., requests this Honorable Court to enter an Order directing the Plaintiff to file full and complete answers to the Interrogatories and responses to the Request for Production of Documents within twenty (20) days, and, if the Plaintiff fails to file full and complete answers within the allotted time, to impose appropriate sanctions and such other relief the Court deems appropriate.

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION,- LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: First Set of Interrogatories
Directed to Plaintiff

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

EXHIBIT

"A"

MICHAEL L. JURY,
Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Jefferson County, Pennsylvania
* Civil Action - Law
*
*
*
*
*
* Number 2006 - 1671 C.D.

FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFF

TO : MICHAEL L. JURY

You are hereby required to answer the following Interrogatories under oath, pursuant to the Pennsylvania Rules of Civil Procedure, within thirty (30) days after service hereof. These Interrogatories shall be deemed continuing so as to require supplemental answers if further information not contained in the answers to the following Interrogatories is obtained between the time the answers hereto are filed and the time of the trial.

YOU ARE HEREBY REQUESTED TO ANSWER EACH OF THE FOLLOWING INTERROGATORIES WITH RESPECT TO THE PLAINTIFF, MICHAEL L. JURY, UNLESS INDICATED OTHERWISE.

1. Please provide the full name, current address, date of birth, social security number, and marital status including the date of any marriages and divorces for the Plaintiff.

2. Please provide a list of all alias names and/or identities ever used by the Plaintiff.

3. Please provide the address where the Plaintiff was residing at the time of the incident alleged in your Complaint and provide the names, ages and relationships to you of every other person residing at said address at that time.

4. Please list the names, addresses and telephone numbers of all physicians and medical care providers seen by you for the injuries which you allege to have sustained in the incident described in your Complaint and the dates on which you were treated by that person.

5. Please list the names and addresses of all hospitals, clinics and convalescent homes wherein you received medical attention for the injuries you allege were caused by the incident described in your Complaint and list the dates on which you were treated at each of the institutions listed.

6. Please set forth an itemized list of all charges made by all those medical care providers listed in the answers to Interrogatories 4 and 5 and attach copies of all bills presented to you by the same.

7. If you have ever in your lifetime suffered from any injuries, illnesses, diseases, sicknesses, or abnormalities which required any type of medical treatment involving those portions of your body which you allege were injured in the incident described in your Complaint, including but not limited to your left wrist and hand, low back, back, right hip, and head, set forth the following:

- a. the names and addresses of all doctors or hospitals that rendered service in connection therewith and the nature of the service or treatment rendered;

b. the type and/or nature of the injuries, illnesses, diseases, sicknesses, or abnormalities;

c. whether the injuries, illnesses, diseases, sicknesses, or abnormalities were the result of any type of accident;

(1) If the answer to subparagraph c. is yes, please provide the following information:

(a) the date, time, location and nature of the accident; and

(b) whether any lawsuit was filed as the result of the accident, and if so, the name and docket number of the Court where the lawsuit was filed.

8. Please state whether you suffered from any emotional, mental and/or nervous condition prior to or subsequent to the date of the incident described in your Complaint. If yes, please provide the name, address and telephone number of any medical care provider including any doctor, therapist, psychologist or psychiatrist who provided any treatment for such condition.

9. Please provide the names, addresses and telephone numbers of any and all physicians, doctors or medical care providers who have treated you:

a. as your family physician in the last ten years; and

b. for any injury, sickness or disease in the last ten years.

10. Please identify in detail to the following for each person whom you expect to call as an expert witness at trial:

a. full name, home address, business address;

b. the subject matter on which the expert is expected to testify;

- c. the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

11. For the ten (10) years immediately proceeding the date of the incident described in your Complaint, state the following:

- a. the name and address of each of your employers or, if you were self-employed during that period, each of your business addresses and the name and nature of your business while self-employed;
- b. the dates of commencement and termination of each of your periods of employment or self-employment;

c. a detailed description of the nature of your occupation in each employment or self-employment;

d. the amount of income, wages or salary you earned from such employment or self-employment.

12. Are you making a claim for past, present or future lost wages as a result of the incident described in the Complaint? If so, state the following:

a. the following information as of the time of the incident described in your Complaint:

(1) the name and address of your employer at the time of the incident;

(2) the date you started your employment with the employer;

(3) the date you last worked for your employer prior to the accident;

- (4) the nature of your work;
- (5) your hourly wage or salary;
- (6) the number of hours you worked on average per week;
- (7) the number of work days lost as a result of the accident and injuries described in the Complaint and the dates of those lost days; and
- (8) the amount of any wages or income lost and describe in detail how the loss was calculated.
- (9) whether you received any type of loss income benefits or disability benefits from any source for said lost wages and, if so, state the name and address of the entity providing said benefits and provide the policy number or claim number assigned to said benefits claim.

b. the following information at the present time;

(1) the name and address of your employer;

(2) the date you started your employment with your current employer;

(3) your hourly wage or salary; and

(4) the number of hours you work on average per week.

c. Please attach copies of your Federal Income Tax Returns for years 2002 through 2005.

13. Have you ever made application or claim for any Workmen's Compensation Benefits? If yes, please state the following for each application:

a. the name and address of your employer at the time of the application or claim;

- b. the date on which you made any application or claim for such benefits;
- c. the nature and extent of the injury or condition which was the basis for any such application or claim; and
- d. the date on which the injury or condition began which was the basis for any such application or claim.

14. Are you now receiving or have you ever received any income or benefits under any disability, pension or income insurance policy or any Workmen's Compensation from any agency, company, person, corporation, state or governmental agency for any disability, condition, disease, ailment or injury?

If yes, please state the following:

- a. under what program or policy you received any payment;
- b. the dates you received such payments and the amounts of such payments;

- c. the injuries or disability for which you received any payment and when such injuries or disability arose;
- d. the name of the company, person, corporation or agency which made any payments;
- e. whether you now have any permanent disability as a result of such injuries or disability for which you received any payments, and if so, the nature and extent of the disability;
- f. whether you had a disability at the time of the incident referred to in your Complaint, and if so, the nature and extent of the disability.

15. Please provide the name, home address, business address (if any), and your relationship to any person known to you, your agents, representatives or attorney who witnessed the events: (1) for the one-hour period prior to the incident described in your Complaint; (2) at the time of the incident described in your Complaint; and (3) the one-hour period after the incident described in your Complaint.

16. Please state the name, home address, business address (if any) and job classification of all persons whom you intend to call as nonexpert witnesses on your behalf at the trial of this case and the substance on which you expect them to testify.

17. In regard to the date of the incident described in the Complaint, please state in detail your activities and whereabouts for the 12-hour period preceding the incident including, but not limited to your place of origin, your destination, and the nature and length of any stops you made.

18. Please state whether or not you had taken any prescription or nonprescription medication within the 24-hour period preceding the incident. If yes, please provide the name of the medication and the time it was taken.

19. Please state the following in regard to any alcoholic beverages you consumed in the 12-hour period prior to the incident described in the Complaint:

- a. the name or brand of each beverage;
- b. the total number of beverages by serving and weight;
- c. the time or time period over which you consumed such alcoholic beverages; and
- d. the name and address of each location or establishment where you consumed said beverages.

20. Please state the following in regard to any drugs you consumed, took or ingested in the 12-hour period prior to the incident described in the Complaint:

- a. the name or brand of each drug;
- b. the pills, marijuana or opiates you consumed, took or ingested by serving and weight; and
- c. the time or time period over which you consumed said drugs.

21. State the following, to the best of your knowledge, in regard to any drugs or alcohol the Defendant, Merlin Knepp, Jr., consumed/took in the 12-hour period prior to the incident described in the Complaint:

- a. the name or brand of each beverage or drug;
- b. the total number of beverages or drugs by serving and weight;
- c. the time or time period over which he consumed such alcoholic beverages or drugs; and
- d. the name and address of each location or establishment where he consumed said beverages.

22. Please state in detail and in your own words, without reference to your Complaint, how the incident described in your Complaint occurred.

23. Do you currently suffer from any ongoing physical problems or limitations due to the injuries you allegedly sustained as a result of the accident described in your Complaint? If the answer is yes, please describe the same in detail.

24. Have you ever been involved in any other accident involving a motor vehicle including but not limited to as an operator, passenger or pedestrian?

If the answer to this Interrogatory is yes, please provide the following information for each accident:

- a. the date and location of the accident;
- b. the names and addresses of any other persons involved in the accident;
- c. a description in detail of the events of the accident;
- d. the nature of any injuries you received in the accident;
- e. the names and addresses of any medical care providers who treated you for any injuries;
- f. whether any lawsuit was filed as the result of the accident, and if so, the name and docket number of the Court where the lawsuit was filed and the name and address of the attorney or law firm which represented you; and

g. Attach a copy of any police report issued as a result of the accident.

25. Please state whether any claim for medical coverage benefits or like benefits was opened by any insurance company as a result of the incident described in your Complaint. If yes, please provide the following information:

- a. the address of the claims office handling the claim;
- b. the name of the adjuster assigned to handle the claim; and
- c. the claim number assigned to the claim.

26. Have you ever been charged with or convicted of any crime other than a traffic citation with the last ten years; if yes, please provide the following information:

- a. the date, state and county where the criminal offense took place;

b. the name and address of the issuing authority, i.e. police department; and

c. the final disposition of the criminal charge.

27. Please provide a detailed list of any incidental or out-of-pocket expenses you allege you incurred as a result of the accident described in the Complaint, including the following information for each of the expenses:

- a. the amount of the expense;
- b. the date of the expense;
- c. a description of what the expense was for;
- d. the name of the person, agency or company to whom the expense was paid; and
- e. Attach copies of any records in your possession supporting the expenses.

28. Please state whether you were covered under any type of health insurance plan, HMO, or group health insurance plan for the period from two years prior to the date of the

incident described in your Complaint until the present. If so, please provide the name and address of the plan provider, the group number, the identification number, the plan number and dates of coverage for each such plan.

29. With regard to any medical bills you have incurred as a result of the incident described in your Complaint, please state the following:

- a. the name of any insurance company, group program, HMO or other agency which has provided payment for said bills;
- b. whether or not you have been notified of any lien and/or subrogation claim in regard to any payments made by any insurance company, group program, HMO, or other agency, and if so, the amount of any such lien and/or subrogation claim. Also, please provide copies of any documents identifying the notice and amount of the lien.

30. Please state whether or not you have been notified by any company, entity or agency of a lien and/or subrogation claim in regard to the payment of any costs or damages related to the accident and your injuries, and if so, please state the following:

a. the name of any company, entity or agency which has provided payment for said bills;

b. the amount of any such lien and/or subrogation claim. Also, please provide copies of any documents identifying the notice and amount of the lien.

31. Please state whether any representative, investigator, employee of yours or of your attorney has conducted any investigation on your behalf relating to your claims in this matter.

If yes, please provide the following information:

a. the name, address, employer, job title, position or capacity of each such person; and

b. whether any such person has prepared any notes, memoranda or summaries in connection with any such investigation, and if yes, provide copies of the same.

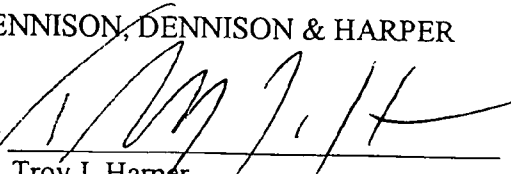
32. State whether or not you, your attorneys or any representative of yours has possession of any portion of scaffold as described in your Complaint. If yes, state the following:

- a. The name, address and telephone number of the person with possession of the same; and
- b. provide a description of the scaffolding or portion thereof that is currently being retained.

33. Please state whether or not you have entered into any settlement with any other person, entity, agency or insurance carrier for any claim arising from the incident described in your Complaint including, but not limited to, liability claims or claims for medical payment benefits, medical expense claims and/or lost wage claims. If so, please provide the name of the person or entity with whom the settlement was made and attach a copy of all releases that were executed.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: First Set of Request for
Production of Documents Directed to
Plaintiff

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

MICHAEL L. JURY,
Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law
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*
* Number 2006 - 1671 C.D.

**FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

TO: MICHAEL L. JURY

You are hereby required to answer the following Request for Production of Documents under oath, pursuant to the Pennsylvania Rules of Civil Procedure, within thirty (30) days after service hereof. This Request for Production of Documents shall be deemed continuing so as to require supplemental answers if further information not contained in the Answers to the following Request for Production of Documents is obtained between the time the Answers hereto are filed and the time of the trial.

PROVIDE COPIES OF THE FOLLOWING REQUESTED INFORMATION
REGARDING THE ALLEGED INCIDENT AND ALLEGED INJURIES DESCRIBED IN
YOUR COMPLAINT:

1. All medical and hospital records, reports, bills and invoices relating to any injuries or damages alleged to have been caused by the occurrence described in your Complaint.
2. All medical and hospital records, bills and invoices relating to prior or subsequent injuries to the same parts of the body claimed to have been injured as a result of the occurrence described in your Complaint.
3. All statements; whether written, recorded, signed and/or unsigned, by you or by the Defendants.
4. All statements; whether written, recorded, signed and/or unsigned, of all witnesses or potential witnesses.
5. All expert/nonexpert written reports.
6. All photographs, videotapes or other graphic representations relating to the place of the incident or the persons or other things involved.
7. Maps, drawings, charts and sketches relating to the place of the incident or the persons or things involved.
8. Any reports, notes, summaries or memoranda made by you or any person performing any investigation on your behalf or on behalf of your counsel.

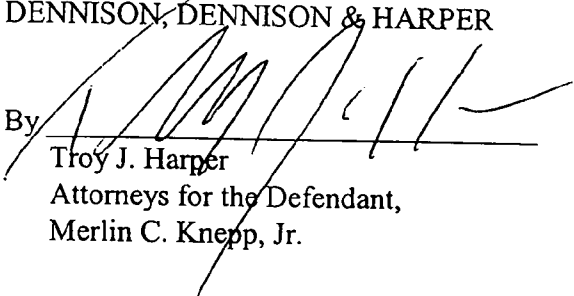
9. Copies of any settlement releases you have entered into for any claim related to the accident described in your Complaint.

10. Copies of explanation of benefits forms, claim forms, invoices, notices or correspondences from any insurance company, HMO, group program, Department of Public Welfare, government agency or other provider relating to any medical expenses for treatment related to the injuries set forth in the Plaintiff's Complaint.

11. Copies of all correspondences, notices, documents or agreements concerning any lien or subrogation claim being made by, assigned by or waived by any entity for the payment of any costs, damages, or bills related to the accident and injuries described in your Complaint.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper

Supreme Court Number: 74753

John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 2006 - 1671 C.D.

CERTIFICATE OF SERVICE

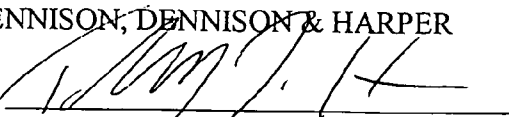
I certify that an original and two certified copies of the First Set of Interrogatories
Directed to the Plaintiff and an original and two certified copies of the First Set of Request for
Production of Documents Directed to the Plaintiff were served on the 9th day of February,
2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216

Dennis M. McGlynn, Esquire
969 Eisenhower Boulevard
Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant,
Merlin C. Knepp, Jr.

May 22, 2007

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

RE: Jury v. Knepp, et al.
2006 - 1671 C.D. (Clearfield County)

Dear Mr. Friday:

In reviewing my file, I found that I have not yet received a response to the discovery requests which I served on February 9, 2007. I would appreciate it if you would please provide your client's answers to the discovery requests within the next twenty (20) days.

Thank you for your cooperation.

Very truly yours,

DENNISON, DENNISON & HARPER

Troy J. Harper

cc: Dennis M. McGlynn, Esq.

EXHIBIT
"B"

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Compel was served on the 24th day of July, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

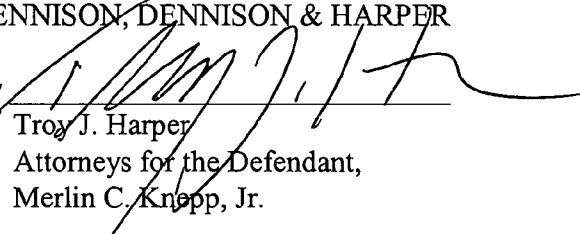
Peter D. Friday, Esquire
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

with a certified copy to:

Dennis M. McGlynn, Esquire
969 Eisenhower Blvd., Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant,
Merlin C. Knopp, Jr.

CA

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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No. 2006-1671 CD
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ORDER OF COURT

AND NOW to wit, this 26th day of July

2007, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp having filed a Motion to
Compel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff
has twenty (20) days from the date of this Order to file his response to Interrogatories/
Request for Production of Documents or suffer those sanctions deemed appropriate by
this court.

BY THE COURT:

FILED ^{2cc}
9/4/00/604 Atty McGlynn
JUL 27 2007
(CK)

William A. Shaw
Prothonotary/Clerk of Courts



FILED

JUL 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/27/07

X You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Number 1671 of 2006, C. D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on Behalf of: Merlin C. Knepp, Jr.,
Defendant

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED NOCC
m/10:4881
AUG 03 2007
William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 1671 - 2006, C. D.

CERTIFICATE OF SERVICE

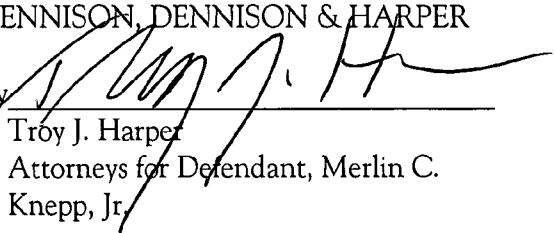
I hereby certify that a true and correct copy of an Order dated July 26, 2007, directing the Plaintiff to file and serve answers to Defendant, Merlin C. Knepp, Jr.'s First Set of Interrogatories and First Set of Request for Production of Documents was served on the 2nd day of August, 2007, by United States Mail, First Class, postage prepared, addressed to the following:

Peter D. Friday, Eq.
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

Dennis M. McGlynn, Esq.
969 Eisenhower Blvd., Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant, Merlin C.
Knepp, Jr.

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:
: No. 2006-1671 CD

:
: **Certificate of Service**

:
: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED
mth:2864 NO cc
AUG 09 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

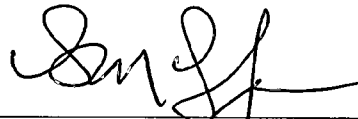
vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the original Order of Court dated July 26, 2007, a copy of which is attached hereto, was on the 1st day of August, 2007, forwarded to Peter D. Friday, Esquire, attorney for Plaintiff, by Certified Mail No. 7005 2570 0000 3874 8105, as is evidenced by the attached Certified Mail Receipt. Said mailing was received on August 2, 2007, as is evidenced by the attached Return Receipt.



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS,
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

Dated: August 8, 2007

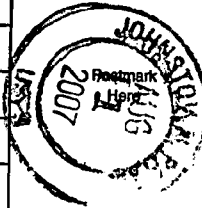
7005 2570 0000 3874 8105

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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21



Sent To
 Peter D. Friday, Esquire
 Street, Apt. No.,
 or PO Box No. 3220 West Liberty Ave.
 City, State, ZIP+4 Pittsburgh, PA 15216-2320
 PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Peter D. Friday, Esquire
 3220 West Liberty Ave.
 Suite 200
 Pittsburgh, PA 15216-2320

2. Article Number
 (Transfer from service label)

7005 2570 0000 3874 8105

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Jaclyn Day* ☒ Agent ☐ Addressee
 B. Received by (Printed Name) *Jaclyn Day* C. Date of Delivery *8/2/07*
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
:
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ORDER OF COURT

AND NOW to wit, this 26th day of July,

2007, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp having filed a Motion to
Compel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff
has twenty (20) days from the date of this Order to file his response to Interrogatories/
Request for Production of Documents or suffer those sanctions deemed appropriate by
this court.

BY THE COURT:

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

/s/ Paul E. Cherry

J.

JUL 27 2007

Attest.

William L. Cherry
Prothonotary/
Clerk of Courts

CA

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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

:
: No. 2006-1671 CD

:
: **MOTION FOR SANCTIONS**

:
: Counsel of Record for Filing Party:
: DENNIS M. McGLYNN, ESQUIRE
: 969 Eisenhower Blvd., Suite I
: Johnstown, PA 15904
: (814) 262-0812

FILED ^{1cc}
m/jg:3201/ Atty McGlynn
SEP 13 2007
William A. Shaw
Prothonotary/Clerk of Courts ©

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
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:
: No. 2006-1671 CD
:
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ORDER

AND NOW this _____ day of _____, 2007, upon
consideration of the foregoing Motion for Sanctions,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that Plaintiff's
claim be dismissed for failure to comply with the Court Order of July 26, 2007.

BY THE COURT:

J.

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
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: No. 2006-1671 CD
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MOTION FOR SANCTIONS

AND NOW come the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, by and through their counsel, Dennis M. McGlynn, Esquire, and files this Motion for Sanctions and in support thereof avers as follows:

1. On July 25, 2007, Defendants filed a Motion to Compel for Plaintiff's failure to file responses to Defendants' Interrogatories/Request for Production of Documents (copy of said Motion is attached as Exhibit A).
2. Subsequent thereto, the Court entered an Order dated July 26, 2007, and provided that Plaintiff shall file full and complete responses to Defendants' outstanding Interrogatories/Request for Production of Documents within twenty (20) days of the date of the Order (copy of said Order attached as Exhibit B).
3. On August 2, 2007, Defendants served Plaintiff's counsel with said Order (copy of Certificate of Service is attached as Exhibit C).

4. As of this date, the Defendants aver that Plaintiff has failed to file
Answers to Interrogatories/ Request for Production of Documents.

WHEREFORE, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp
respectfully request your Honorable Court enter an Order dismissing Plaintiff's case with
prejudice for failure to comply with the previous Order of July 26, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis M. McGlynn', is written over a horizontal line.

DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

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

MICHAEL L. JURY,
Plaintiff

vs.

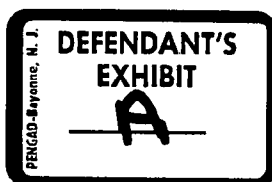
No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

MOTION TO COMPEL

AND NOW come the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, by and through their counsel, Dennis M. McGlynn, Esquire, and files this Motion to Compel Discovery and in support thereof avers as follows:

1. Plaintiff, Michael L. Jury, initiated the above cause of action as a result of a scaffolding accident, which occurred at 439 Long Run Road, West Decatur, Clearfield County, Pennsylvania.
2. In January, 2007, Defendants served Interrogatories/Request for Production of Documents on Plaintiff's counsel, with the notice to answer within 30 days according to PA R.C.P. To date, no answer or response has been received.
3. On April 10, 2007, and May 9, 2007, Defendants inquired by letter as to the status of the Interrogatories/Request for Production of Documents. To date, no response has been received.



4. The discovery request seeks necessary and relevant information with regard to claims being asserted by the parties to within cause of action and are reasonable in scope.

5. Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, are entitled to an Order compelling Plaintiff to answer the Interrogatories/Request for Production of Documents pursuant to Rule 4019 of the PA. R.C.P. and to have their costs and attorneys fees reimbursed.

WHEREFORE, Defendants respectfully request that this Court compel Plaintiff to produce such documents as are requested, additionally under PA. R.C.P. Sec. 4019 Defendants are entitled to their cost for having had to file this Motion.

Respectfully submitted,



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS,
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion to Compel on behalf of Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, was forwarded on the 25th day of July, 2007, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

ORDER OF COURT

AND NOW to wit, this 26th day of July,

2007, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp having filed a Motion to
Compel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff
has twenty (20) days from the date of this Order to file his response to Interrogatories/
Request for Production of Documents or suffer those sanctions deemed appropriate by
this court.

BY THE COURT:

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

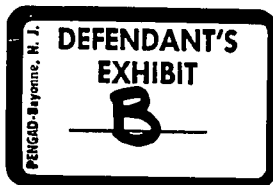
/s/ Paul E. Cherry

J.

JUL 27 2007

Attest.

William L. Cherry
Prothonotary/
Clerk of Courts

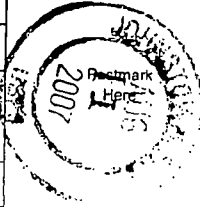


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Postage	\$.41
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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21



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Peter D. Friday, Esquire
Street, Apt. No.,
or PO Box No. 3220 West Liberty Ave.
City, State, ZIP+4 Pittsburgh, PA 15216-2320

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Peter D. Friday, Esquire
3220 West Liberty Ave.
Suite 200
Pittsburgh, PA 15216-2320

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Jaclyn Day

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Jaclyn Day

C. Date of Delivery

8/2/07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7005 2570 0000 3874 8105

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

ORDER OF COURT

AND NOW to wit, this 26th day of July,
2007, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp having filed a Motion to
Compel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff
has twenty (20) days from the date of this Order to file his response to Interrogatories/
Request for Production of Documents or suffer those sanctions deemed appropriate by
this court.

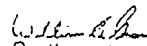
BY THE COURT:

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

/s/ Paul E. Cherry

JUL 27 2007

Attest.


Prothonotary/
Clerk of Courts

J.

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants


:
:
:
: No. 2006-1671 CD
:
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:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion for Sanctions on behalf of Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, was forwarded on the 12th day of September, 2007, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Motion for Sanctions
Pursuant to Pa.R.C.P. 4019

Filed on behalf of: Defendant, Merlin C.
Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED ^{iec}
M 112:46321 Atty
SEP 17 2007 (GM)

William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2006 - 1671 C.D.

**MOTION FOR SANCTIONS PURSUANT
TO PA.R.C.P. 4019**

AND NOW, comes the Defendant, MERLIN KNEPP, JR., by his attorneys, Dennison, Dennison & Harper, and files this Motion for Sanctions pursuant to Pa.R.C.P. 4019 and in support thereof avers the following:

1. On July 25, 2007, this Defendant filed a Motion to Compel for Plaintiff's failure to file responses to Defendants' Interrogatories/Request for Production of Documents (copy of said Motion is attached as Exhibit A).

2. Subsequent thereto, the Court entered an Order dated July 26, 2007, and provided that the Plaintiff shall file full and complete responses to this Defendant's outstanding Interrogatories/Request for Production of Documents within twenty (20) days of the date of the Order (copy of said Order is attached as Exhibit B).

3. On August 2, 2007, this Defendant served Plaintiff's counsel with said Order (copy of Certificate of Service is attached as Exhibit C).

4. As of this date, this Defendant avers that the Plaintiff has failed to file Answers to the Interrogatories and Request for Production of Documents and has failed to comply with the Order of Court dated July 26, 2007.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr., respectfully requests Your Honorable Court to enter an Order dismissing Plaintiff's case with prejudice as to all Defendants for failure to comply with the previous Order of Court and such other sanctions as the Court deems appropriate.

Respectfully submitted,

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for Defendant, Merlin C.
Knepp, Jr

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 1671 - 2006 C.D.

Type of Case: Civil Division

Type of Pleading: Motion to Compel

Filed on behalf of: Defendant,
Merlin C. Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

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

JUL 25 2007

Attest

W. J. Harper
Prothonotary/
Clerk of Courts

EXHIBIT

A

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

* Civil Action - Law

* Number 1671 - 2006 C.D.

MOTION TO COMPEL

AND NOW, comes the Defendant, MERLIN C. KNEPP, JR., by his attorneys, Dennison, Dennison & Harper, who file the following Motion to Compel pursuant to Pa.R.C.P. 4019:

1. On or about October 12, 2006, the Plaintiff filed a Complaint alleging that he was injured on June 10, 2005, after falling from scaffolding while assisting to place a roof on a detached garage at the property located at 487 Long Run Road, West Decatur, Clearfield County, Pennsylvania 16878, owned by the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp.

2. On or about December 11, 2006, the Defendant, Merlin C. Knepp, Jr., filed an Answer, New Matter and New Matter to the Plaintiff's Complaint.

3. On or about February 9, 2007, the Defendant, Merlin C. Knepp, Jr., served a First Set of Interrogatories and a First Set of Request for Production of Documents Directed to the Plaintiff upon counsel for the Plaintiff. A true and correct copy of the Interrogatories, Request for Production of Documents and the Certificate of Service are attached hereto as Exhibit "A" and made part hereof.

4. Pursuant to Pa.R.C.P. 4006 (a)(2) and 4009.12, the Plaintiff's Answers to the Interrogatories and Request for Production of Documents were due on or before March 12, 2007.

5. The Plaintiffs failed to answer the Interrogatories and Request for Production of Documents by March 12, 2007.

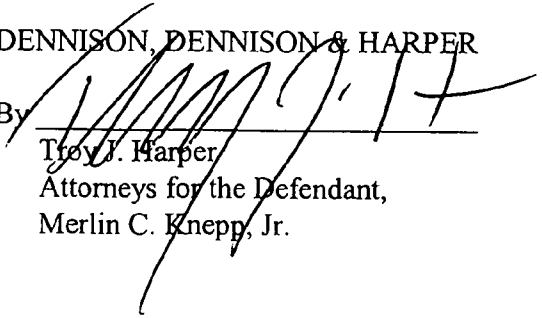
6. By letter dated May 22, 2007, directed to counsel for the Plaintiffs, counsel for the Defendant, Merlin C. Knepp, Jr., requested that the Plaintiff respond to the Interrogatories and Request for Production of Documents. A true and correct copy of Defendant's counsel's file copy of the letter dated May 22, 2007, is attached hereto as Exhibit "B" and made part hereof.

7. To date, the Plaintiff has failed to respond to the Interrogatories and Request for Production of Documents.

WHEREFORE, the Defendant, Merlin C. Knepp, Jr., requests this Honorable Court to enter an Order directing the Plaintiff to file full and complete answers to the Interrogatories and responses to the Request for Production of Documents within twenty (20) days, and, if the Plaintiff fails to file full and complete answers within the allotted time, to impose appropriate sanctions and such other relief the Court deems appropriate.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN C. KNEPP, JR., MERLIN C.
MERLIN C. KNEPP, SR., and DARLENE
KNEPP,

Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
*
*
* Number 1671 - 2006 C.D.

ORDER

AND NOW, July 26, 2007, the
Defendant, Merlin C. Knepp, Jr., having filed a Motion to Compel;

IT IS HEREBY ORDERED that the Plaintiff is directed to file and serve full and complete answers to the Defendant, Merlin C. Knepp, Jr.'s, First Set of Interrogatories and First Set of Request for Production of Documents within twenty (20) days from the date of service of this Order. If full and complete answers to the Interrogatories and Request for Production of Documents are not filed and served within said time, the Court will impose appropriate sanctions.

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

BY THE COURT,

/s/ Paul E. Cherry

JUL 27 2007

EXHIBIT

J.

Test.

William D. Cherry
Prothonotary/
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Number 1671 of 2006, C. D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on Behalf of: Merlin C. Knepp, Jr.,
Defendant

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

EXHIBIT

C

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*

*

*

*

*

* Number 1671 - 2006, C. D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of an Order dated July 26, 2007, directing the Plaintiff to file and serve answers to Defendant, Merlin C. Knepp, Jr.'s First Set of Interrogatories and First Set of Request for Production of Documents was served on the 2nd day of August, 2007, by United States Mail, First Class, postage prepared, addressed to the following:

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

Dennis M. McGlynn, Esq.
969 Eisenhower Blvd., Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant, Merlin C.
Knepp, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Sanctions on behalf of the Defendant, Merlin C. Knepp, Jr., was served on all counsel of record in the within matter on the 14th day of September, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLP
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, Pennsylvania 15904

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Defendant,
Merlin C. Knepp, Jr.

MICHAEL L. JURY,

Plaintiffs,

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR. and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*

* Civil Action - Law

*

*

*

*

* Number 2006 - 1671 C.D.

ORDER

AND NOW, this ____ day of _____, 2007, upon consideration of the
foregoing Motion for Sanctions,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Plaintiff's claim be
dismissed as to all Defendants for failure to comply with the Court Order of July 26, 2007.

BY THE COURT:

J.

17

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

RULE

AND NOW, this 14th day of Sept, 2007, upon
consideration of the foregoing Motion for Sanctions, a Rule is hereby entered upon the
Plaintiff to show cause why the Honorable Court should not enter an Order granting the
requested relief.

Said Rule returnable the 5th day of November, 2007, in
Courtroom Number 1, at 9:30 o'clock A.m., Clearfield County
Courthouse, Clearfield, PA.

FILED

ICC

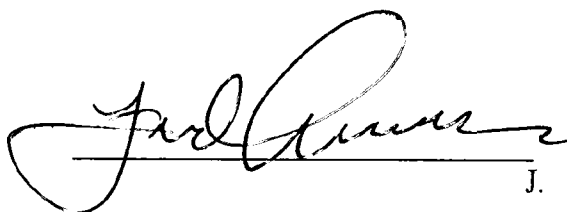
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SEP 17 2007

Atty McGlunn

ESK

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


J.

FILED

SEP 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/17/07

☒ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

SEP 24 2007

William A. Shaw
Prothonotary/Clerk of Courts
no c/c

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

MICHAEL L. JURY,

CIVIL ACTION - LAW

Plaintiff,

Docket No. : 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

**NOTICE OF SERVICE OF PLAINTIFF'S
ANSWERS TO DEFENDANTS MERLIN
C. KNEPP, Sr. and DARLENE KNEPP'S
INTERROGATORIES and/or REPLY TO
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Filed on behalf of Plaintiff:
MICHAEL L. JURY

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Ste. 200
Pittsburgh, PA 15216-2320
Tele # (412)561-4290
Fax # (412)561-4291

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

CIVIL DIVISION

Docket No.: 06-1671-CD

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,
Defendant.

NOTICE OF SERVICE

I hereby certify that on September 20, 2007 a true and correct copy of *Plaintiff's*
Answers to Defendant's Interrogatories and/or Responses to Requests for Production of
Documents was served by first class U.S. mail, postage prepaid, upon Defendants' counsel, to-
wit:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Dennis M. McGlynn, Esquire
969 Eisenhower Blvd, Suite I
Johnstown, PA 15904
(Counsel for Merlin C. Knepp, Sr and Darlene Knepp)

Friday Porta Cox & Ward LLC



Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Ste. 200
Pittsburgh, PA 15216-2320

FILED

06-1671-CD

SEP 24 2007
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

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

MICHAEL L. JURY,

CIVIL ACTION - LAW

Plaintiff,

Docket No.: 06-1671-CD

vs.

Code No.:

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

**NOTICE OF SERVICE OF PLAINTIFF'S
ANSWERS TO DEFENDANTS MERLIN
C. KNEPP, JR.'S INTERROGATORIES
AND RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

Filed on behalf of Plaintiff:
MICHAEL L. JURY

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Ste. 200
Pittsburgh, PA 15216-2320
Tele # (412)561-4290
Fax # (412)561-4291

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

Plaintiff,

CIVIL DIVISION

Docket No.: 06-1671-CD

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendant.

NOTICE OF SERVICE

I hereby certify that on September 21, 2007 a true and correct copy of

Plaintiff's Answers to Defendant Merlin Knepp, Jr.'s Interrogatories and/or

Responses to Requests for Production of Documents was served by first class U.S. mail,

postage prepaid, upon Defendants' counsel, to-wit:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Dennis M. McGlynn, Esquire
969 Eisenhower Blvd, Suite I
Johnstown, PA 15904
(Counsel for Merlin C. Knepp, Sr and Darlene Knepp)

Friday Porta Cox & Ward LLC



Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Ste. 200
Pittsburgh, PA 15216-2320
(412)561-4290

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: No. 2006-1671 CD

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: Counsel of record for filing party:

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FILED NOCC
SEP 27 2007 (GV)

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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No. 2006-1671 CD

FILED *Re*

OCT 22 2007

0/1:30/4
William A. Shaw
Prothonotary/Clerk of Courts

*1 cert to
Att*

ORDER

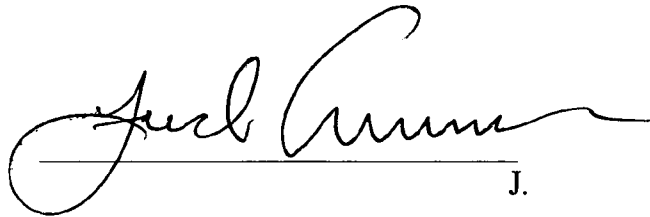
AND NOW this 28ⁿ day of Sept., 2007, upon

consideration of the foregoing Petition to Withdraw Motion for Sanctions,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that

Defendants Merlin C. Knepp, Sr. and Darlene Knepp's Motion for Sanctions is hereby
withdrawn and the hearing scheduled for November 5, 2007, is cancelled.

BY THE COURT:


J.

FILED

OCT 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-22-07
You are notified for serving all appropriate parties.

The Plaintiff(s) has provided service to the following parties:

The Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____

Plaintiff(s) _____ Defendant(s) Attorney _____

Defendant(s) _____ Special Instructions _____

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

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No. 2006-1671 CD

DEFENDANT MERLIN C. KNEPP, SR. AND DARLENE KNEPP'S
PETITION TO WITHDRAW MOTION FOR SANCTIONS

AND NOW come the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, by and through their counsel, Dennis M. McGlynn, Esquire, and files this Petition to Withdraw Motion for Sanctions and in support thereof avers as follows:

1. On July 25, 2007, Defendants filed a Motion to Compel for Plaintiff's failure to file responses to Defendants' Interrogatories/Request for Production of Documents.
2. Subsequent thereto, the Court entered an Order dated July 26, 2007, and provided that Plaintiff shall file full and complete responses to Defendants' outstanding Interrogatories/Request for Production of Documents within twenty (20) days of the date of the Order.
3. On August 2, 2007, Defendants served Plaintiff's counsel with said Order.

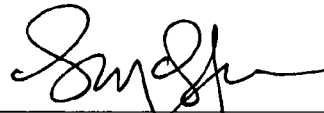
4. As of September 12, 2007, the Plaintiff failed to file his Answers to Interrogatories/ Request for Production of Documents and therefore the Defendants filed a Motion for Sanctions.

5. A hearing on Defendants' Motion for Sanctions was scheduled for November 5, 2007 at 9:30 a.m.

6. On September 21, 2007, the Plaintiff provided his discovery responses to Defendants.

WHEREFORE, the Defendants Merlin C. Knepp, Sr. and Darlene Knepp respectfully request that the hearing scheduled for November 5, 2007, at 9:30 a.m. be cancelled.

Respectfully submitted,



DENNIS M. McGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

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

MICHAEL L. JURY,
Plaintiff

vs.

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

:
:
:
: No. 2006-1671 CD
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:
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the
foregoing Petition to Withdraw Motion for Sanctions on behalf of Defendants, Merlin C.
Knepp, Sr. and Darlene Knepp, was forwarded on the 26th day of September, 2007, by
U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Michele L. Zerr, Esquire
Peter D. Friday, Esquire
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825-1291



DENNIS M. MCGLYNN, ESQUIRE
ATTORNEY FOR DEFENDANTS
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

ln

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

MICHAEL L. JURY,
Plaintiff

vs.

No. 2006-1671 CD

MERLIN KNEPP, JR., MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants

PRAECIPE

TO THE PROTHONOTARY:

Please withdraw Defendant Merlin C. Knepp, Sr. and Darlene Knepp's
Motion for Sanctions and cancel the hearing on same scheduled for November 5, 2007 at
9:30 a.m.



DENNIS M. McGLYNN
ATTORNEY FOR DEFENDANTS,
Merlin C. Knepp, Sr. and Darlene Knepp
I.D. No. 19855

FILED ^{NO CC}
m1212801
SEP 27 2007 @

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 27 2007

William A. Shaw
Clerk of Courts

FILED No CC.
m/11:51 am
JAN 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendants.

CIVIL DIVISION

Docket No.: 06-1671-CD

Code No.:

PRAECIPE TO LIST CASE FOR TRIAL

Filed on behalf of Plaintiff:
Michael L. Jury

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412) 561-4290
Fax # (412) 561-4291

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL L. JURY,

CIVIL DIVISION

Plaintiff,

Docket No.: 06-1671-CD

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR; and DARLENE KNEPP,

Defendant.

Praeipce To List Case For Trial

To: The Prothonotary

Arbitration Limit: _____

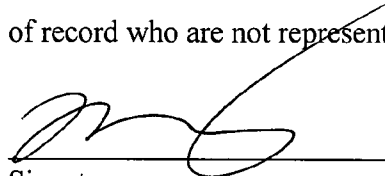
Type Trial Requested: X Jury Non-Jury Arbitration

Estimated Trial Time: Three (3) days

Jury Demand Filed By: Plaintiff

Date Jury Demand Filed: October 12, 2006

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.



Signature

January 21, 2009

For the Plaintiff: Peter D. Friday, Esquire (412) 561-4290 Telephone Number
Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320

For the Defendants: Dennis M. McGlynn, Esquire (814) 262-0812 Telephone Number
969 Eisenhower Boulevard, Suite I
Johnstown, Pennsylvania 15904
(Counsel for Merlin C. Knepp, Sr. and Darlene Knepp)

Troy J. Harper, Esquire (814) 849-8316 Telephone Number
Dennison, Dennison & Harper
293 Main Street
Brookville, Pennsylvania 15825
(Counsel for Merlin Knepp, Jr.)

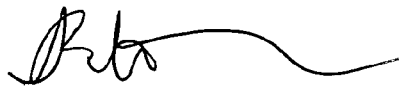
Certification of Current Address for all parties our counsel of record:

Peter D. Friday, Esquire
Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216
(412) 561-4290
(Counsel for Plaintiff, Michael Jury)

Dennis M. McGlynn, Esquire
969 Eisenhower Boulevard, Suite I
Johnstown, Pennsylvania 15904
(814) 262-0812
(Counsel for Defendants, Merlin C. Knepp, Sr. and Darlene Knepp)

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316
(Counsel for Defendant, Merlin Knepp, Jr.)

Friday Porta Cox & Ward LLC



Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200

06-1671-CD

Pittsburgh, PA 15216-2320
(412) 561-4290

Certificate of Service

I, the undersigned, hereby certify that on January 21, 2008, a true and correct copy of the Praeceptum to List Case for Trial served by first class U.S. mail, postage prepaid, upon all parties of interest, to-wit:

Dennis M. McGlynn, Esquire
969 Eisenhower Blvd, Suite I
Johnstown, PA 15904
(Counsel for Merlin C. Knepp, Srand Darlene Knepp)

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
(Counsel for Merlin Knepp, Jr.)

Friday Porta Cox & Ward LLC



Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412) 561-4290

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

MICHAEL L. JURY

vs.

MERLIN KNEPP, JR.; MERLIN C. KNEPP, SR.
and DARLENE KNEPP

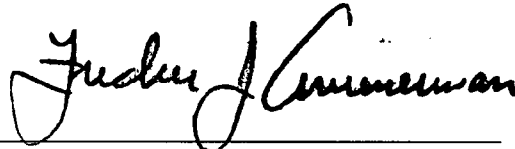
:
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: No. 06-1671-CD
:

ORDER

AND NOW, this 30th day of January, 2009, it is the Order of the
Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Wednesday, March 4, 2009 at 10:30 A.M.** in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby
scheduled for April 2, 2009 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

014:0064
JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty Friday
ICC Atty: McGinn
Harper

(610)

FILED

JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/30/09

☐ 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:

UA

FILED

FEB 19 2009

m/11:30/William A. Shaw

Prothonotary/Clerk of Courts

(610)

1 sent to H.A.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

MICHAEL J. JURY

Plaintiff,

vs.

MERLIN KNEPP, JR; MERLIN C. KNEPP,
SR.; and DARLENE KNEPP,

Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671 C.D.

Type of Case: Civil Division

Type of Pleading: Motion for Continuance

Filed on behalf of: Defendant,
Merlin Knepp, Jr.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

MICHAEL L. JURY

Plaintiff,

vs.

MERLIN KNEPP, JR.; MERLIN C. KNEPP,
SR.; and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
*
* Civil Action - Law
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*
* Number 2006 - 1671 C.D.

MOTION FOR CONTINUANCE

AND NOW, comes the Defendant, MERLIN KNEPP, JR., by and through his attorneys, Dennison, Dennison & Harper, who file the following Motion for Continuance:

1. A Pretrial Conference has been scheduled by the Court for March 4, 2009, at 10:30 a.m. in the above-captioned matter.

2. At the time the Order was entered scheduling the Pretrial Conference in the above-captioned matter, the Court also scheduled Jury Selection for April 2, 2009.

3. Counsel for the Defendant, Merlin Knepp, Jr., is unavailable for Jury Selection on April 2, 2009, as he is scheduled to be out of the state on a vacation which was scheduled over ten months ago and for which payment has been made.

4. Counsel for the Plaintiff and counsel for the Defendants, Merlin C. Knepp, Sr. and Darlene Knepp, consent to the grant of a continuance of Jury Selection in this matter until the next scheduled Jury Selection in Clearfield County on July 23, 2009.

5. All counsel also consent to a continuance of the Pretrial Conference to a later date more contemporaneous to the Jury Selection on July 23, 2009.

6. This matter has not appeared on any previous Trial List and has never been previously continued.

7. In light of the foregoing, the parties request this Honorable Court to continue Jury Selection in this matter until July 23, 2009, and also that the Pretrial Conference be rescheduled to be held within sixty days of Jury Selection.

WHEREFORE, the Defendant, Merlin Knepp, Jr., respectfully requests that Jury Selection scheduled in this matter for April 2, 2009, be rescheduled for Jury Selection on July 23, 2009, and also that the Pretrial Conference be rescheduled to be conducted in June of 2009.

RESPECTFULLY SUBMITTED,

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for Defendant,
Merlin Knepp, Jr.

CERTIFICATE OF SERVICE

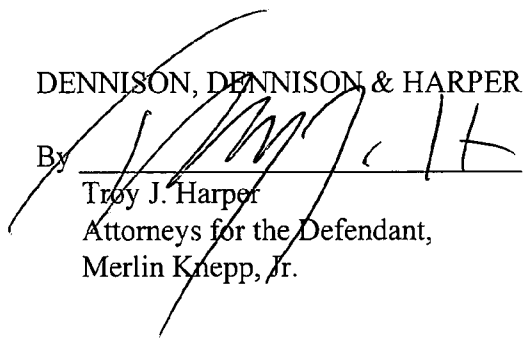
I certify that a true and correct copy of the foregoing Motion for Continuance was served on the 18th day of February, 2009, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, Pennsylvania 15216

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, Pennsylvania 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Merlin Knepp, Jr.

Doris Folmar

From: Troy Harper [ddhtroy@cust.usachoice.net]
Sent: Wednesday, February 18, 2009 2:41 PM
To: 'Doris Folmar'
Cc: pfriday@fridaylaw.com; mcglynn@atlanticbbn.net
Subject: Jury v. Knepp No, 2006 - 1671 C.D.

Doris:

I have attached a Motion for Continuance in the above-captioned matter for which a Pretrial Conference is scheduled for March 4, 2009, and Jury Selection is scheduled for April 2, 2009. I am scheduled to be on vacation out of the state on April 2.

All of the parties consent to the Continuance and by copy of this e-mail I am requested that Mr. Friday and Mr. McGlynn forward you an e-mail confirming their consent.

I am mailing the original Motion today directly to the Prothonotary for filing but wanted to get it to you for Judge Ammerman's earliest consideration. Please let me know if Judge Ammerman grants the Motion or needs anything further. As always, I appreciate your help and cooperation.

Thank you.

Troy J. Harper, Esq.
Dennison, Dennison & Harper
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316 (p)
(814) 849-4656 (f)
ddhtroy@usachoice.net

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

2/18/2009

FILED

FEB 19 2009

6/11/09
William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY

Plaintiff,

vs.

MERLIN KNEP, JR.; MERLIN C. KNEPP,
SR.; and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of Clearfield County, Pennsylvania
*
* Civil Action - Law
*
* Number 2006 - 1671 C.D.

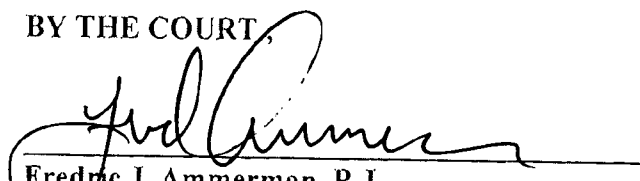
ORDER

AND NOW, this 18 day of February, 2009, upon consideration of the Defendant, Merlin Knepp, Jr.'s, Motion for Continuance,

IT IS HEREBY ORDERED that said Motion is granted and the Jury Selection in this matter scheduled for April 2, 2009, is continued and rescheduled for July 23, 2009, at 9:00 a.m. in Courtroom Number 1 of the Clearfield County Courthouse; and the Pretrial Conference scheduled for March 4, 2009, is continued and is rescheduled for

June 3, 2009, at 9:00 A.M. o'clock in Chambers.

BY THE COURT,


Fredric J. Ammerman, P.J.

COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

MICHAEL J. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR.; MERLIN C.
KNEPP, SR.; and DARLENE KNEPP,
Defendants.

CIVIL ACTION - LAW

Number 2006 - 1671, C. D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on Behalf of: Merlin Knepp, Jr.,
Defendant

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

^S
FILED ^{no cc}
m/10:30/09
FEB 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

MICHAEL L. JURY,

Plaintiff,

vs.

MERLIN KNEPP, JR.; MERLIN C.
KNEPP, SR., and DARLENE KNEPP,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 06 - 1671 C. D.

CERTIFICATE OF SERVICE

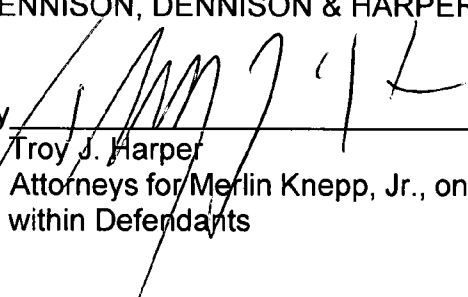
I certify that a true and correct copy of the Order dated February 18, 2009, granting Defendant, Merlin Knepp, Jr.'s Motion for Continuance in regard to the above captioned matter was served on the 24th day of February, 2009, by United States Mail, First Class, postage prepared, addressed to the following:

Peter D. Friday, Esq.
Friday, Porta, Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

Dennis M. McGlynn, Esq.
Law Offices of Dennis M. McGlynn
969 Eisenhower Boulevard, Suite 1
Johnstown, PA 15904

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Merlin Knepp, Jr., one of the
within Defendants

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Michael L. Jury
(Plaintiff)

CIVIL ACTION

(Street Address)

No. 06 - 1671 C. D.

Type of Case: Personal Injury (Product Liability)

(City, State ZIP)

Type of Pleading: Prose
to settle and discontinue

VS.

Filed on Behalf of:

Merlin Knapp Jr., Merlin
(Defendant)

Plaintiff
(Plaintiff/Defendant)

C. Knapp Sr. and Darlene Knapp
(Street Address)

(City, State ZIP)

Prothonotary: kindly mark the docket "Settled
and discontinued."

Peter D. Friday Esq.

(Filed by) Counsel for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Ave Suite 200
(Address)

Counsel for Merlin Knapp Jr.: 412-561-4290
Troy Harper Esq
(Phone)

[Signature]
(Signature)

Counsel for Merlin C. Knapp Sr.
and Darlene Knapp:
Deanna M. McGlynn Esq.

FILED

JUN 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

Q10
2 Cert. of Disc.
to Atty Friday
copy to CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Michael L. Jury

Vs.

No. 2006-01671-CD

Merlin Knepp Jr.
Merlin C. Knepp Sr.
Darlene Knepp

CERTIFICATE OF DISCONTINUATION

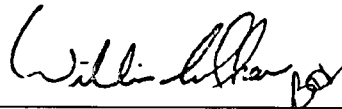
Commonwealth of PA
County of Clearfield

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

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Peter D. Friday, Esq.

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



William A. Shaw, Prothonotary