

06-1742-CD
Matthew Belin et al vs. Rev. D. Trautman

Matthew Belin et al vs Donald Trautman
2006-1742-CD

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

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

Case No. *06-1742-CD*

COMPLAINT

Filed on behalf of Plaintiffs

Counsel of record for this party:

Robin S. Wertkin, Esquire
Attorney at Law
Pa.I.D. #35183

Suite 1450
Two Chatham Center
Pittsburgh, PA 15219

(412) 471-6554

A JURY TRIAL IS DEMANDED

FILED *At typd. 85.00*

3/11/10/06 *OCT 25 2006* *WCC Shaff*

WM
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE TO DEFEND

TO: THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael

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 plaintiffs. 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.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51



Robin S. Wertkin, Esquire
Attorney for Plaintiffs

COMPLAINT

Matthew T. Belin and Marcia Ann Belin, Plaintiffs, bring this Civil Action against The Most Reverend Donald W. Trautman, Bishop of the Catholic Diocese of Erie, Trustee for the Roman Catholic Congregation of St. Michael, Defendant, to recover damages upon causes of action whereof the following are statements:

COUNT I

Matthew T. Belin v The Most Reverend Donald W. Trautman,
Bishop of the Catholic Diocese of Erie,
Trustee for the Roman Catholic Congregation of St. Michael

1. Plaintiffs are husband and wife and reside at Dubois, Clearfield County, Pennsylvania.
2. Defendant The Most Reverend Donald W. Trautman is the Bishop of the Catholic Diocese of Erie and is the Trustee for the Roman Catholic Congregation of St. Michael and thus retains all legal obligations for real property such as that involved herein.
3. The events hereinafter complained of occurred on or about December 12, 2004 at or about 8:00 a.m. in Dubois, Clearfield County, Pennsylvania.
4. At said time there existed in said locality real estate with improvements thereon in the form of the St. Michael Roman Catholic Church located at 15 Robinson Street, Dubois, Clearfield County, Pennsylvania. A part of said improvements included a landing/sidewalk area at the base of the steps providing access to the church.

5. At said time husband plaintiff was a pedestrian using said sidewalk and landing area as a patron and invited guest of the defendant.

6. At said time, defendant was the owner of said real estate and was in possession and control thereof and operated said premises through its agents, servants and employees acting within the course and scope of their agency and authority.

7. Prior to said date, defendant had caused to be installed upon its premises a snow and ice detection and melting system, the purpose of which was to detect and eliminate snow and ice from certain portions of defendant's realty, including the sidewalk and landing area here involved.

8. At said time, said sidewalk and landing area were in a dangerous and unsafe condition by reason of the presence thereon of ice, which condition rendered the sidewalk and landing area unsafe for pedestrian travel.

9. At said time, the snow and ice detection and melting system which defendant had caused to be installed upon its realty was non-operational by reason its having been turned off.

10. At said time, as husband plaintiff was walking upon said sidewalk and landing area, he was caused to slip and fall by reason of the aforesaid dangerous and unsafe condition and was injured as is hereinafter set forth.

11. The injuries and damages hereinafter set forth were caused by and were the direct and proximate result of the negligence, willfulness and wantonness of defendant, its agents, servants and employees, acting within the course and scope of their agency and authority, generally and in the following particulars:

a. In causing husband plaintiff to fall;

- b. In allowing said sidewalk and landing area to exist in a dangerous and unsafe condition by reason of the presence of ice thereon;
- c. In failing to take reasonable and necessary measures to remedy the dangerous and unsafe condition of said sidewalk and landing area;
- d. In turning off the snow and ice detection and melting system which defendant had caused to be installed upon its premises;
- e. In failing to post proper warnings, directions and instructions at and about the on/off switch for the snow and ice detection and melting system so as to apprise its agents, servants and employees of the importance of ensuring that the system remained on at all times;
- f. In failing to provide proper and necessary training and instruction to its agents, servants and employees regarding the snow and ice detection and melting system.
- g. In failing to place a cage or other lockout system or device upon the on/off switch for the snow and ice detection and melt system to ensure that it would not be turned off;
- h. In failing to apply salt, cinders, sand, ashes or other anti-skid or anti-slip materials to said sidewalk and landing area;
- i. In failing to conduct proper and necessary inspections and examinations of said sidewalk and landing area to ensure that it was in safe condition for pedestrian travel;
- j. In failing to warn husband plaintiff of the dangers and hazards presented by the foregoing;
- k. In otherwise failing to exercise the care and regard for the rights of safety of husband plaintiff required of defendant under the law.

12. Husband plaintiff sustained the following serious and severe injuries, some or all of the results of which may be permanent in nature:

- a. Fracture of the left humerus;

- b. Injury and damage in and about the bones, muscles, tissues, nerves, ligaments, joint and joint space of the left shoulder;
- c. Laceration and abrasion of the forehead;
- d. Injury and damage to the nerves and nervous system;
- e. Other serious and severe injuries.

13. As a result of the injuries aforesaid, husband plaintiff has been damaged as follows:

- a. He has suffered and will suffer great pain, inconvenience, embarrassment and mental anguish;
- b. He has been and will be required to expend large sums of money for medical attention, hospitalization, medical supplies, surgical appliances, medicines, nursing services and other health care services;
- c. He has been and will be deprived of the pleasures of life.

WHEREFORE, husband plaintiff demands judgment of Defendant The Most Reverend Donald W. Trautman, Bishop of the Catholic Diocese of Erie, Trustee for the Roman Catholic Congregation of St. Michael for damages in an amount in excess of the jurisdictional limits of compulsory arbitration.

A JURY TRIAL IS DEMANDED.

COUNT II

Marcia Ann Belin v The Most Reverend Donald W. Trautman,
Bishop of the Catholic Diocese of Erie,
Trustee for the Roman Catholic Congregation of St. Michael

14. Plaintiff Marcia Ann Belin incorporates herein by reference the averments of paragraphs one through twelve, inclusive, as fully as though the same were here set forth at length.

Complaint

15. By reason of the injuries to Matthew T. Belin, Plaintiff Marcia Ann Belin has been damaged as follows:

- a. She has lost and will lose the aid, comfort, society and services of her said husband.

WHEREFORE, Plaintiff Marcia Ann Belin demands judgement of Defendant The Most Reverend Donald W. Trautman, Bishop of the Catholic Diocese of Erie, Trustee for the Roman Catholic Congregation of St. Michael for damages in an amount in excess of the jurisdictional limits of compulsory arbitration.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,



Robin S. Wertkin
Attorney for Plaintiffs

VERIFICATION

We, Matthew T. Belin and Marcia Ann Belin, have read the foregoing Complaint and verify that the statements therein are true to the best of our knowledge, information and belief.

This statement is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Matthew T. Belin
Matthew T. Belin



Marcia Ann Belin
Marcia Ann Belin

Date: Oct. 10, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
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: No. 2006 CD 1742
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: ISSUE: **Praecipe for Appearance**
:
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:
:
: Filed on Behalf of Defendant:
:
:
: Counsel of Record for this party
:
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all counsel of record this 2nd day of November, 2006.

Attorney for Defendants

FILED NOV 19 2006 CC
m 06 2006 US
NOV 06 2006 US
WILLIAM A. G.

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN, : CIVIL ACTION - LAW

Plaintiffs, : : No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant. : : JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO PROTHONOTARY:

Enter my Appearance for Defendant in the above. Papers may be served at the address
below.

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

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

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

Case No. 06-1742-CD

STIPULATION

Filed on behalf of Plaintiffs

Counsel of record for this party:

Robin S. Wertkin, Esquire
Attorney at Law
Pa.I.D. #35183

Suite 1450
Two Chatham Center
Pittsburgh, PA 15219

(412) 471-6554

A JURY TRIAL IS DEMANDED

FILED NO CC
M 11/25/06
NOV 22 2006 LM

William A. Shaw
Prothonotary/Clerk of Courts

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

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Case No. 06-1742-CD

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

STIPULATION

It is hereby stipulated and agreed between the parties hereto that paragraph 11(k) of the
of plaintiffs' complaint is withdrawn and stricken.


Robin S. Wertkin
Attorney for plaintiffs


Stephen L. Dugas
Attorney for defendant

CERTIFICATE OF SERVICE

This is to certify that on November 20, 2006, the original of the within Stipulation was mailed, first-class postage prepaid, to the following:

Stephen L. Dugas, Esquire
Margolis Edelstein
310 Grant Street
The Grant Building
Suite 1500
Pittsburgh, PA 15219



Robin S. Wertkin, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
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: No. 2006 CD 1742
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: ISSUE: **Answer**
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:
: Filed on Behalf of Defendant:
:
: Counsel of Record for this Defendant.
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy
of the within was mailed to all counsel of
record this 27th day of November, 2006.

Attorney for Defendant

FILED
NOV 28 2006
cc
11:08 AM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN BELIN, : CIVIL ACTION - LAW

Plaintiffs, : No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael,

Defendant. : JURY TRIAL DEMANDED

ANSWER

AND NOW come Defendants, and by their attorneys, Margolis Edelstein, and file this Answer, whereof the following is a statement.

COUNT I

**Matthew T. Belin v. The Most Reverend Donald W. Trautman,
Bishop of the Catholic Diocese of Erie,
Trustee for the Roman Catholic Congregation of St. Michael**

1. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1. Strict Proof is Demanded at time of trial.

2. Admitted

3. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 3. Strict proof is demanded at time of trial.

4. Admitted
5. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 5. Strict proof is demanded at time of trial.
6. Denied. All averments in Paragraph 6 of the Complaint are mere legal conclusions and are deemed denied by the rules of pleading. Strict proof is demanded at time of trial
7. Denied as stated. It is admitted that certain portions of the subject premises have been provided with a sub-surface heating systems.
8. Denied. All averments in Paragraph 8 constitute mere legal conclusions which are deemed denied by the rules of pleading. To the extent there are any factual averments, after reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.
9. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 9. Strict Proof is Demanded at time of trial.
10. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 10. Strict Proof is Demanded at time of trial.
11. Denied. All averments in Paragraph 11 in the Complaint constitute mere conclusions of law which are deemed denied by the rules of pleading. To the extent there are any factual averments in Paragraph 11, including sub-paragraphs a. through j. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to

the truth thereof. Strict Proof is demanded at time of trial.

Insofar as Paragraph 11k has been deleted by Stipulation, no Answer is required.

12. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 12. Strict Proof is Demanded at time of trial.

13. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 13. Strict Proof is Demanded at time of trial.

WHEREFORE, Defendants demand that Count I of the Plaintiffs' Complaint against them be dismissed, with prejudice, together with costs of suit awarded.

COUNT II

Marsha Ann Belin v. The Most Reverend Donald W. Trautman,
Bishop of the Catholic Diocese of Erie
Trustee for the Roman Catholic Congregation of St. Michael

14. Defendants incorporate by reference all averments contained in Paragraph 1 through 13 hereinabove, as fully as those set forth at length.

15. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 15. Strict Proof is Demanded at time of trial.

WHEREFORE, Defendants demand that Count II of the Complaint be dismissed, with prejudice together with the costs of suit awarded

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendant
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

VERIFICATION

I, Father David Foradori, Pastor of Saint Michael the Archangel Church, have read the foregoing Answer and Verify that the statements therein are true to the best of my knowledge, information and belief.

This statement and Verification are made subject to the penalties of 18Pa. C.S.A., Section 4904 relating to unsworn falsification to authorities.



Father David Foradori

Date: Nov. 20, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
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: No. 2006 CD 1742
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: ISSUE: Notice of Service of
: Interrogatories and First Request for
: Production of Documents
:
: Filed on Behalf of Defendant:
:
: Counsel of Record for this Defendant.
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy
of the within was mailed to all counsel of
record this 27th day of November, 2006.

Attorney for Defendant

FILED NO
M 11.08.06
NOV 28 2006
2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

: CIVIL ACTION - LAW

: No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: JURY TRIAL DEMANDED

NOTICE OF SERVICE OF INTERROGATORIES AND FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

TO PROTHONOTARY:

You are hereby notified that on November 27, 2006, Defendant the Most Reverend Donald W. Trautman Bishop of the Catholic Diocese of Erie, Trustee for the Roman Catholic Congregation of St. Michael served Interrogatories and First Request for Production of Documents on the Plaintiffs by mailing the original of same via First Class, United States mail, postage prepaid addressed to the following:

Robin S. Wertkin, Esquire
Two Chatham Center, Suite 1450
Pittsburgh, PA 15219

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Holidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102063
NO: 06-1742-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: MATTHEW T. BELIN and MARCIA ANN BELIN

vs.

DEFENDANT: THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee

SHERIFF RETURN

NOW, October 30, 2006 AT 2:12 PM SERVED THE WITHIN COMPLAINT ON THE MOST REVEREND DONALD W. TRAUTMAN c/o ST. MICHAEL ROMAN CATHOLIC CHURCH DEFENDANT AT 15 ROBINSON ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY MINNS, SECRETARY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED

01/30/07
JAN 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | WERTKIN | 2583 | 10.00 |
| SHERIFF HAWKINS | WERTKIN | 2583 | 35.30 |

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Marilyn Hens*
Chester A. Hawkins
Sheriff

UR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN BELIN, : CIVIL ACTION - LAW

Plaintiffs, : No. 2006 CD 1742

v.

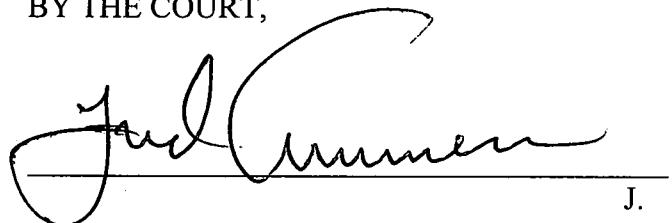
THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael,

Defendant. : JURY TRIAL DEMANDED

ORDER

AND NOW, this 23rd day of April, 2007, upon consideration of the within Motion to Compel, it is hereby Ordered that Plaintiffs shall, within 30 days hereafter, serve responsive and verified Answer to Defendants Interrogatories and First Request for Production, or suffer further sanctions pursuant to Pa. R.C.P., Rule 4019.

BY THE COURT,



J.

FILED
04.00.07
APR 23 2007
Sugars
(61)

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/23/07

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

Defendants) Defendant(s) Attorney

Special Instructions:

FILED

APR 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

(A)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN BELIN, : CIVIL ACTION - LAW

Plaintiffs, : No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael,

Defendant. : JURY TRIAL DEMANDED

MOTION TO COMPEL

NOW COMES Defendant, and by and through counsel, Margolis Edelstein, files this Motion to Compel Answers to Interrogatories and Request for Production, whereof the following is a statement.

1. Plaintiffs initiated the above matter by Complaint filed on October 25, 2006.
2. A timely and responsive Answer was filed by Defendant denying all allegations of negligence.
3. Interrogatories and a Request for Production of Documents were served by counsel for Defendant on counsel for Plaintiffs on or about November 27, 2006. Copies thereof are attached hereto.
4. No Answers or objections have been filed by Plaintiffs thereto.
5. Under Pa. R.C.P., Rule 4006 and 4009.12, Plaintiffs were obliged to respond to the aforesaid discovery within thirty (30) days.

FILED *No*
01/11/07 **CC**
APR 20 2007 *(6)*

William A. Shaw
Prothonotary/Clerk of Courts

6. Under Pa. R.C.P., Rule 4019, the Court has the power to make an appropriate Order to compel the Plaintiffs to respond to the said discovery, or suffer further sanctions.

WHEREFORE, Defendants seek an Order compelling the Plaintiffs to serve responsive and verified Answers to Interrogatories and First Request for production of Documents within thirty (30) days or suffer further sanctions.

MARGOLIS EDELSTEIN

By: _____

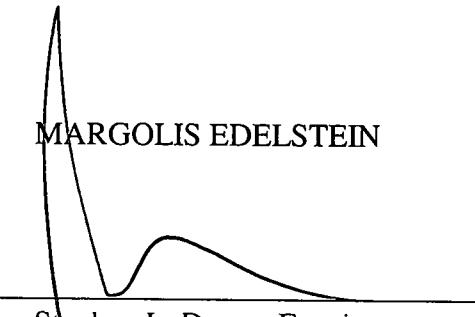
Attorney for Defendants
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

PROOF OF SERVICE AND CERTIFICATION

I hereby Certify that a copy of the within Motion to Compel and proposed Order was served on the 16th day of April, 2007, First class United States mail, postage pre-paid and addressed as follows:

Robin S. Wertkin, Esquire
Two Chatham Center, Suite 1450
Pittsburgh, PA 15219

I further Certify that counsel for plaintiff, Robin S. Wertkin, Esquire has advised that he is not opposed to the entry of the proposed Order.

 MARGOLIS EDELSTEIN

By:

Stephen L. Dugas, Esquire
Attorney for Defendant
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

JA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
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: No. 2006 CD 1742
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: ISSUE: Motion for Sanctions
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:
:
: Filed on Behalf of Defendant:
:
: Counsel of Record for this Defendant.
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy
of the within was mailed to all counsel of
record this 6th day of July, 2007.

Attorney for Defendants

FILED No CC.
m/a:osum
JUL 10 2007
Lm

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN BELIN, : CIVIL ACTION - LAW

Plaintiffs, : No. 2006 CD 1742

v.

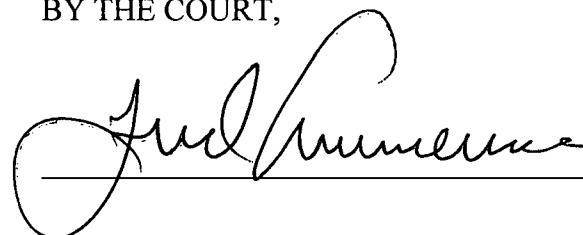
THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael,

Defendant. : JURY TRIAL DEMANDED

SCEDULING ORDER

AND NOW, this 13 day of July, 2007, oral argument is hereby scheduled on the Defendants' Motion for Sanctions for 9:30 A.M. o'clock on the 10th day of August, 2007, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT,



J.

FILED

JUL 16 2007

012:20/10

William A. Shaw
Prothonotary/Clerk of Courts.

2 CERT TO ATF

6/2

DATE: 7.16.07

You are responsible for serving all appropriate parties.
 The Prothonotary's Office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney
 Defendant(s) Defendant(s) Attorney Other
 Special Instructions:

FILED

JUL 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

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| MATTHEW T. BELIN and MARCIA ANN BELIN, | : CIVIL ACTION - LAW |
| | : : |
| | : : |
| Plaintiffs, | : No. 2006 CD 1742 |
| | : : |
| v. | : : |
| | : : |
| THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael, | : : |
| | : : |
| Defendant. | : JURY TRIAL DEMANDED |

ORDER

AND NOW, this day of , 2007, upon consideration of the within Motion for Sanctions, it is hereby Ordered that Judgment of non pros is entered against the Plaintiffs.

BY THE COURT,

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN BELIN, : CIVIL ACTION - LAW

Plaintiffs, : No. 2006 CD 1742

v. :

THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael, :

Defendant. : JURY TRIAL DEMANDED

MOTION FOR SANCTIONS

NOW COMES Defendant, and by and through counsel, Margolis Edelstein, files this Motion for Sanctions against Plaintiffs for failure to serve Answers to Interrogatories and Request for Production, whereof the following is a statement.

1. Plaintiffs initiated the above matter by Complaint filed on October 25, 2006.
2. A timely and responsive Answer was filed by Defendant denying all allegations of negligence.
3. Interrogatories and a Request for Production of Documents were served by counsel for Defendant on counsel for Plaintiffs on or about November 27, 2006. Copies thereof are attached hereto.
4. No Answers or objections have been filed by Plaintiffs thereto.
5. Under Pa. R.C.P., Rule 4006 and 4009.12, Plaintiffs were obliged to respond to the aforesaid discovery within thirty (30) days.

6. A Motion to Compel was filed by Defendants, resulting in an Order dated April 23, 2007, compelling Plaintiffs to serve responsive and verified Answers to Defendants' Interrogatories and Request for Production within 30 days thereafter, or suffer further sanctions.

7. No Answers to Interrogatories or Request for Production have been received from Plaintiffs.

8. Pursuant to Pa. R.C.P., Rule 4019(c), the Court has the power to enter non pros against the Plaintiffs for failure to obey the prior Order, or such other relief as the Court deems appropriate.

WHEREFORE, Defendants seek an Order entering non pros against the Plaintiffs pursuant to Pa. R.C.P., Rule 4019(c)(3), or such other relief as the Court deems appropriate..

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

MA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
:
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: No. 2006 CD 1742
:
:
: ISSUE: **Praeclipe for Argument**
:
:
:
: Filed on Behalf of Defendant:
:
: Counsel of Record for this Defendant.
:
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy
of the within was mailed to all counsel of
record this 6th day of July, 2007.

Attorney for Defendants

FILED No cc.
m 12:05 pm
JUL 10 2007
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------|
| MATTHEW T. BELIN and MARCIA ANN BELIN, | : | CIVIL ACTION - LAW |
| | : | |
| | : | |
| Plaintiffs, | : | No. 2006 CD 1742 |
| | : | |
| v. | : | |
| | : | |
| THE MOST REVEREND DONALD W. TRAUTMAN, BISHOP OF THE CATHOLIC DIOCESE OF ERIE, Trustee for the Roman Catholic Congregation of St. Michael, | : | |
| | : | |
| Defendant. | : | JURY TRIAL DEMANDED |

PRAECIPE FOR ARGUMENT

TO PROTHONOTARY:

Kindly place the Motion for Sanctions filed by Defendants on the next available Argument Court for disposition.

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendants
Stephen L. Dugas, Esquire
Attorney I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: CIVIL ACTION - LAW
:
:
: No. 2006 CD 1742
:
: ISSUE: **Praeclipe to Withdraw Motion**
: **for Sanctions.**
:
:
: Filed on Behalf of Defendant:
:
: Counsel of Record for this Defendant.
:
: MARGOLIS EDELSTEIN
: Stephen L. Dugas, Esquire
: Attorney I.D. # 21351
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: (814) 695-5066

I hereby certify that a true and correct copy
of the within was mailed to all counsel of
record this 3rd day of August, 2007

Attorney for Defendant

FILED NO CC
MILLER 12/2007
AUG 06 2007 GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN : CIVIL ACTION - LAW
BELIN, : .

Plaintiffs, : No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant. : JURY TRIAL DEMANDED

PRAEICE TO WITHDRAW MOTION FOR SANCTIONS

TO PROTHONOTARY:

Please mark the previously filed Motion for Sanctions "withdrawn without prejudice."

MARGOLIS EDELSTEIN

By:

Attorney for Defendants
Stephen L. Dugas, Esquire
PA. I.D. # 21351
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

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

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

Case No. 06-1742-CD

**PRAECIPE FOR SUBSTITUTION OF
APPEARANCE**

Filed on behalf of Plaintiffs

Counsel of record for this party:

Robin S. Wertkin, Esquire
Attorney at Law
Pa.I.D. #35183

Suite 1450
Two Chatham Center
Pittsburgh, PA 15219

(412) 471-6554

A JURY TRIAL IS DEMANDED

COMMON COMMONWEALTH OF PENNSYLVANIA
DIOCESE OF ERIE, BISHOP DONALD W.
TRAUTMAN, TRUSTEE OF THE CATHOLIC
CATHOLIC CONGREGATION OF ST. MICHAEL,
CLEARFIELD COUNTY, PENNSYLVANIA

FILED NO cc
M 10:38 AM
MAR 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

Copy to CIA

(G)

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

MATTHEW T. BELIN and MARCIA ANN
BELIN,

Plaintiffs,

Case No. 06-1742-CD

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

PRAECIPE FOR SUBSTITUTION OF APPEARANCE

TO: Department of Court Records (Civil Division)

Please withdraw my appearance on behalf of Matthew T. Belin and Marcia Ann Belin as:

Robin S. Wertkin
1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 471-6554

and enter my appearance on behalf of Matthew T. Belin and Marcia Ann Belin as:

Robin S. Wertkin
Ainsman, Levine & Drexler
Suite 2201 Grant Building
330 Grant Street
Pittsburgh, PA 15219
(412) 338-9030

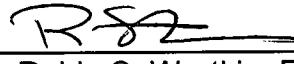
Respectfully submitted,

R S
Robin S. Wertkin
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on March 10, 2008 the original of the Praeclipe for Substitution of Appearance was mailed first class, postage prepaid to the following:

Stephen L. Dugas, Esquire
Margolis Edelstein
Allegheny Professional Center
Suite 303
1798 Old Route 220 North
Duncansville, PA 16635



Robin S. Wertkin, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MATTHEW T. BELIN and MARCIA ANN
BELIN,

: CIVIL ACTION - LAW

Plaintiffs,

: No. 2006 CD 1742

v.

THE MOST REVEREND DONALD W.
TRAUTMAN, BISHOP OF THE CATHOLIC
DIOCESE OF ERIE, Trustee for the Roman
Catholic Congregation of St. Michael,

Defendant.

: JURY TRIAL DEMANDED

FILED

MAY 09 2008

11:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

No 4/C

Cent. of
Disc.
to
Atty, C.

PRAECEIPE FOR DISCONTINUANCE

TO PROTHONOTARY:

Mark the above caption action "settled and discontinued, with prejudice."

Papers may be served at the address below.



Robin S. Wertkin, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Matthew T. Belin and
Marcia Ann Belin**

Vs.

No. 2006-01742-CD

**Donald W. Trautman, Most Reverend
Bishop of the Catholic Diocese of Erie,**

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 May 9, 2008, marked:

Settled and Discontinued, with prejudice

Record costs in the sum of \$130.40 have been paid in full by Robin S. Wertkin, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of May A.D. 2008.

William A. Shaw, Prothonotary