



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**

OCT 25 2006

William A. Shaw  
Prothonotary/Clerk of Courts

Atty. pd. 85.00  
ICC Shff

**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.

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

:

:

: No. 2006 CD 1742

:

:

: ISSUE: **Praeipie for Appearance**

:

:

: 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 2<sup>nd</sup> day of November, 2006.

\_\_\_\_\_  
Attorney for Defendants

**FILED** NO CC  
m 19-2006  
NOV 06 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

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  
m 11/25/06 CC  
NOV 22 2006

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,

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,

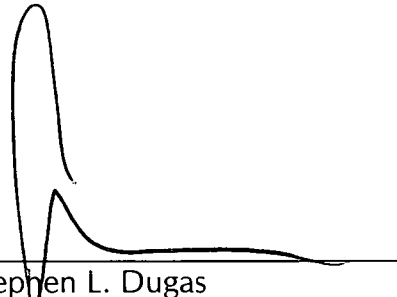
Defendant.

**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

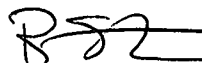


Stephen L. Dugas  
Attorney for defendant

**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

A handwritten signature in black ink, appearing to read 'RSW', is positioned above a horizontal line.

---

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

: No. 2006 CD 1742

: ISSUE: Answer

: 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 27<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
Attorney for Defendant

**FILED** *no ec*  
NOV 28 2006  
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

:

:

: No. 2006 CD 1742

:

: **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 27<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
Attorney for Defendant

**FILED** *NO CC*  
NOV 28 2006 *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

**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  
(Signature)

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,

(Signature)  
by Mary Minns

Chester A. Hawkins  
Sheriff



VP

: CIVIL ACTION - LAW

: No. 2006 CD 1742

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: JURY TRIAL DEMANDED

## of

T

J.

(64)

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

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

\_\_\_\_ Special Instructions:

**FILED**

**APR 23 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

UA

: CIVIL ACTION - LAW

: No. 2006 CD 1742

: JURY TRIAL DEMANDED

U

or

- to

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 16<sup>th</sup> 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

:

:

:

: No. 2006 CD 1742

:

: **ISSUE: Motion for Sanctions**

:

:

: Filed on Behalf of Defendant:

:

: Counsel of Record for this Defendant.

:

: MARGOLIS EDELSTEIN

: Stephen L. Dugas, Esquire

: Attorney I.D. # 21351

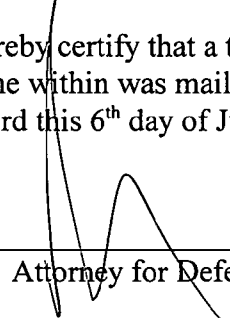
: P.O. Box 628

: 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 6<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
Attorney for Defendants

**FILED** No CC.  
m/2:05um  
JUL 10 2007 

William A. Shaw  
Prothonotary/Clerk of Courts

2 CENT TO KATE

DATE: 7.16.07

K You are responsible for serving all appropriate parties.

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

\_\_\_ Plaintiff(s)

\_\_\_ Defendant(s)

\_\_\_ Plaintiff(s) Attorney

\_\_\_ 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**

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

: 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	>:	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

**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

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: **Praeipue 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 6<sup>th</sup> day of July, 2007.

\_\_\_\_\_  
Attorney for Defendants

**FILED** No CC.  
m/2:05 um  
JUL 10 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

MATTHEW T. BELIN and MARCIA ANN  
BELIN,

Plaintiffs,

v.

THE MOST REVEREND DONALD W.  
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Defendant.

: CIVIL ACTION - LAW

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: No. 2006 CD 1742  
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: 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  
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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

:  
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: No. 2006 CD 1742

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: ISSUE: **Praeipie 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 3<sup>rd</sup> day of August, 2007

\_\_\_\_\_  
Attorney for Defendant

**FILED** NO CC  
mhr:12/07  
AUG 06 2007 @GK

William A. Shaw  
Prothonotary/Clerk of Courts

Attorney for Defendants  
Stephen L. Dugas, Esquire  
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**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**

OFFICE OF THE CLERK OF COURTS  
DIOCESE OF ERIE  
1000 E. 12TH AVE.  
ERIE, PA 16510  
(814) 399-1234

**FILED** No cc  
MAR 19 2008  
12:38 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
Copy to CIA  
(G10)



**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)

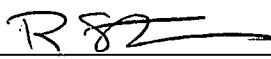
Please withdraw my appearance on behalf of Matthew T. Belin and Marcia Ann Belin as:

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,

  
\_\_\_\_\_  
Robin S. Wertkin  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

This is to certify that on March 10, 2008 the original of the Praeceptum 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



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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

: No. 2006 CD 1742

: JURY TRIAL DEMANDED

**FILED**

MAY 09 2008

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

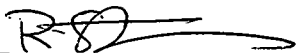
Cent. of  
Disc.  
to  
Atty, Cl.

PRAECIPE 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