

2006-1967-CD

Erie Ins. Al vs Mecco Construction

Erie Insurance et al vs Mecco Construction  
2006-1967-CD

Date: 10/15/2009

Time: 10:20 AM

Page 1 of 3

**Clearfield County Court of Common Pleas**

ROA Report

User: LMILLER

Case: 2006-01967-CD

Current Judge: Fredric Joseph Ammerman

Erie Insurance, et al vs. Mecco Construction, et al

**District Justice Appeal**

Date		Judge
11/27/2006	New Case Filed.	No Judge
	✓ Filing: Notice of Appeal Paid by: Bowers, S. Casey (attorney for Erie Insurance) Receipt number: 1916578 Dated: 11/27/2006 Amount: \$85.00 (Check) 1CC Atty Bowers, 1CC Atty Mason (per Bowers) and 1CC MDJ Hawkins.	No Judge
12/6/2006	✓ Transcript, filed.	No Judge
12/14/2006	✓ Complaint, filed by s/ S. Casey Bowers Esq. 2CC Atty Bowers.	No Judge
12/19/2006	✓ Certificate of Service, filed. The 16th day of December 2006, a true and correct/certified copy of the Complaint filed on December 14, 2006 in this matter was forwarded to David C. Mason Esq., filed by s/ S. Casey Bowers Esq. 1CC Atty Bowers.	No Judge
1/12/2007	✓ Verification to Complaint, filed by s/ S. Casey Bowers, Esquire. 2CC Atty. Bowers	No Judge
3/19/2007	✓ Certificate of Service, filed by Atty. Bowers No cert. copies. Important Notice mailed on March 16, 2006 by 1st class mail upon Atty. Mason.	No Judge
3/23/2007	✓ Defendant's Answer to Plaintiff's Complaint Containing New Matter, filed by s/ David C. Mason, Esquire. 1CC to Atty. ✓ Certificate of Service, copy of Defendant's Answer and New Matter served upon S. Casey Bowers, Esquire, on 3/22/2007 by first class mail. Filed by s/ David C. Mason, Esquire. 1CC to Atty.	No Judge
7/26/2007	✓ Reply to New Matter, filed by s/ Matthew B. Taladay, Esquire. No CC	No Judge
8/28/2007	✓ Praeclipe for Substitution of Verification, filed. Kindly substitute the attached Verification to Plaintiff's Reply to New Matter, filed by s/ Matthew B. Taladay Esq. NO CC.	No Judge
2/29/2008	✓ Motion For Leave to Withdraw As Counsel, filed by s/ David C. Mason, Esquire. 2CC Atty. Mason	No Judge
3/4/2008	✓ Order, this 3rd day of March, 2008, upon consideration of Attorney David C. Mason's Petition of Defendant's Counsel for Leave to Withdraw As Counsel and the Defendant's failure to file written response or appear, it is the Order of this Court that said Petition is Granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Mason	No Judge
4/22/2008	✓ Filing: Praeclipe/List For Arbitration Paid by: Bowers, S. Casey (attorney for Jacoby, Louis Jr.) Receipt number: 1923694 Dated: 4/22/2008 Amount: \$20.00 (Check) Certificate of Readiness for Arbitration, filed by s/ Matthew B. Taladay, Esquire. No CC	No Judge
8/4/2008	✓ Order, this 4th day of August, 2008, it is Ordered that the above-captioned matter is scheduled for Arbitration on Sept. 11, 2008, at 9:00 a.m. in Hearing Room 3. The following have been appointed as Arbitrators: Dwight L. Koerber, Esquire, Chairman Barbara Hugney-Shope, Esquire Blaise Ferraraccio, Esquire By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 5CC C/A	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105408  
NO: 09-501-CD  
SERVICES 1

COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: FIRST COMMONWEALTH BANK

VS.

DEFENDANT: TIMOTHY A. KRONENWETTER and SANAA HELMI

**SHERIFF RETURN**

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**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	FIRST COMM.	244063	10.00
SHERIFF HAWKINS	FIRST COMM.	244063	21.00
YORK CO.	FIRST COMM.	244064	53.25

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009

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

Date: 10/15/2009

Time: 10:20 AM

Page 2 of 3

**Clearfield County Court of Common Pleas**

ROA Report

Case: 2006-01967-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Erie Insurance, et al vs. Mecco Construction, et al

**District Justice Appeal**

Date	Judge
9/9/2008	✓ Order, this 8th day of Sept., 2008, upon request of the Defendant due to his Fredric Joseph Ammerman desire to no longer proceed with litigation, it is Ordered that the Prothonotary enter judgment in favor of the Plaintiff and against the Defendant Wesley Lovell d/b/a Mecco Construction in the amount of \$11,085.16 plus interest a the legal rate and costs of suit. Arbitration scheduled for Sept. 11, 2008 is canceled. by The Court, /s/ Frerdric J. Ammerman, Pres. Judge. 1CC Atty; Bowers, Mason; 1CC C/A
12/24/2008	✓ Filing: Judgment Paid by: Taladay, Matthew B., Esquire Receipt number: No Judge 1927299 Dated: 12/24/2008 Amount: \$20.00 (Check) For: Jacoby, Louis J (plaintiff). Judgment in favor of Plaintiff and against Defendant in the amour of \$11,085.16, plus interest at the legal rate and costs of suit persuant to Order of Court dated Sept. 8, 2008. Filed by s/ Matthew B. Taladay, Esquirel. Statement to Atty. Taladay; Notice to Atty. Dave Mason
1/30/2009	✓ Certificate of Service, filed. That on the 29th day of January 2009, mailed Plaintiff's Interrogatories in Aid of Execution by certified mail to Wesley Lovell, filed by s/ Matthew B. Taladay Esq. No CC.
4/14/2009	✓ Motion to Compel Discovery, filed by Atty. Taladay 1 Cert. to Atty. No Judge
4/16/2009	✓ Order of Court, AND NOW, this 16 day of April 2009, upon consideration of Plaintiff's Motion to Compel Discovery, IT IS HEREBY ORDERED that the Motion is granted. Defendant shall forthwith produce and supply full and complete discovery responses within thirty (30) days from the date of this Order. In the event that Defendant fails to abide by this Order, this Court may, upon further Petition of Plaintiff, impose appropriate sanctions. BY THI COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty.
4/22/2009	✓ Certificate of Service, filed. That on the 21st day of April 2009, mailed a certified copy of Order of Court dates April 16, 2009 first class mail to Wesley Lovell, filed by s/ Matthew B. Taladay Esq. No CC. No Judge
6/18/2009	✓ Motion for Sanctions, filed by s/ Matthew B. Taladay, Esquire. nO CC No Judge
6/22/2009	✓ Order, this 19th day of June, 2009, upon consideration of Plaintiff's Motion f Fredric Joseph Ammerman Sanctions, a Rule is issued to Wesley Lovell. Rule Returnable at Hearing tc be held on the 4th of Sept., 2009 at 10:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Taladay
6/25/2009	✓ Certificate of Service, filed. That on the 24th day of June 2009 mailed a certified copy of Order of Court via first class mail to Wesley Lovell-Mecco Construction, filed by s/ Matthew B. Taladay Esq. No CC. Fredric Joseph Ammerman
9/8/2009	✓ Order, this 4th day of Sept., 2009, it is Ordered that Motion for Sanctions is granted. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty: Taladay, Mason Fredric Joseph Ammerman
9/11/2009	✓ Praecipe to Withdraw Entry of Appearance, filed by Atty. Mason 1 Cert. to Fredric Joseph Ammerman Atty. Withdraw my appearacne on behalf of the above-named Defendant.

3  
COUNTY OF YORK  
**OFFICE OF THE SHERIFF**

45 N. GEORGE ST., YORK, PA 17401

SERVICE CALL  
(717) 771-9601

**SHERIFF SERVICE  
PROCESS RECEIPT and AFFIDAVIT OF RETURN**

**INSTRUCTIONS  
PLEASE TYPE ONLY LINE 1 THRU 12  
DO NOT DETACH ANY COPIES**

1. PLAINTIFF/S/

First Commonwealth Bank

2. COURT NUMBER

09-501-4

3. DEFENDANT/S/

Timothy A. Kronenwetter

4. TYPE OF WRIT OR COMPLAINT

NOTICE, CIME,

Complaint in Mortgage Foreclosure

**SERVE**



5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED, OR SOLD

Timothy A. Kronenwetter

6. ADDRESS (STREET OR RFD WITH BOX NUMBER, APT. NO., CITY, BORO, TWP., STATE AND ZIP CODE)

1705 Baltimore Pike Hanover, PA 17331

7. INDICATE SERVICE:  PERSONAL  PERSON IN CHARGE  DEPUTIZE  CERT. MAIL  1ST CLASS MAIL  POSTED  OTHER

NOW March 11, 2009 I, SHERIFF OF YORK COUNTY, PA, do hereby depose the sheriff of COUNTY to execute this Writ and make return thereof according

to law. This deputation being made at the request and risk of the plaintiff.

Christopher A. Haubur

SHERIFF OF YORK COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE.

Christopher A. Haubur

OUT OF CO CLEARFIELD CO

ADV FEE PAID BY FIRST COMMONWEALTH BANK

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction, or removal of any property before sheriff's sale thereof.

9. TYPE NAME and ADDRESS of ATTORNEY / ORIGINATOR and SIGNATURE

Christopher E. Mohney Esq.

25 E. PARK AVE., SUITE 6

DUBOIS, PA 15801

10. TELEPHONE NUMBER

814-375-1044

11. DATE FILED

3-10-09

12. SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW. (This area must be completed if notice is to be mailed.)

CLEARFIELD CO SHERIFF

**SPACE BELOW FOR USE OF THE SHERIFF - DO NOT WRITE BELOW THIS LINE**

13. I acknowledge receipt of the writ or complaint as indicated above.

MJ MCGILL/VCOS

14. DATE RECEIVED

3-13-2009

15. Expiration/Hearing Date

4-9-09

16. HOW SERVED: PERSONAL  RESIDENCE  POSTED  POE  SHERIFF'S OFFICE  OTHER  SEE REMARKS BELOW

17.  I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, etc. named above. (See remarks below.)

18. NAME AND TITLE OF INDIVIDUAL SERVED / LIST ADDRESS HERE IF NOT SHOWN ABOVE (Relationship to Defendant)

19. Date of Service																20. Time of Service															
3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS	3/13/09	10:00 AM	55	TMS

22. REMARKS:

23. Advance Costs	24. Service Costs	25. N/F	26. Mileage	27. Postage	28. Sub Total	29. Pound	30. Notary	31. Surchrg.	32. Tot. Costs	33. Costs Due or Refund	Check N
\$100.00	18.00		30.25		48.25		5.00		53.25	46.75	36.54

34. Foreign County Costs	35. Advance Costs	36. Service Costs	37. Notary Cert.	38. Mileage/Postage/Not Found	39. Total Costs	40. Costs Due or Refund
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41. AFFIRMED and subscribed to before me this 31st.

42. day of MARCH, 2009 Christopher A. Haubur  
COMMONWEALTH OF PENNSYLVANIA  
NOTARY PUBLIC

NOTARIAL SEAL  
LISA L. BOWMAN, NOTARY PUBLIC  
CITY OF YORK, YORK COUNTY  
MY COMMISSION EXPIRES AUG. 12, 2009

SO ANSWERS

44. Signature of  
Dep. Sheriff

46. Signature of York  
County Sheriff

RICHARD P. KEUERLEBER, SHERIFF

48. Signature of Foreign  
County Sheriff

45. DATE

47. DATE

3-31-2009

49. DATE

50. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE  
OF AUTHORIZED ISSUING AUTHORITY AND TITLE

51. DATE RECEIVED

Date: 10/15/2009

Time: 10:20 AM

Page 3 of 3

**Clearfield County Court of Common Pleas**

ROA Report

Case: 2006-01967-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Erie Insurance, et al vs. Mecco Construction, et al

**District Justice Appeal**

Date	Judge	
10/7/2009	<p>✓ Order, this 5th day of Oct., 2009, this being the date set for compliance hearing relative the Court's Order of Sept. 4, 2009, : Atty. Taladay having appeared for the Plaintiff and having certified to the Court his belief that the Def. was not served with a certified copy of this Court's Order of Sept. 4, 2009, it is Ordered that the hearing is rescheduled to Oct. 23, 2009 at 11:30 a.m. Courtroom 1. All terms and provisions of this Court's Order of Sept. 4, 2009, shall continue to be in effect. In the event Defendant does not appear for the compliance hearing, a Bench Warrant shall be issued for his arrest. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Taladay; 2CC Def. - PO Box 277, Ramey, PA 16671</p>	Fredric Joseph Ammerman
10/12/2009	<p>✓ Certificate of Service, filed. That on the 9th day of October 2009, mailed a certified copy of the Order of Court dated October 5, 2009 and a certified copy of Order of Court dated September 4, 2009 via United States First Class Mail to Wesley Lovell, Mecco Construction, filed by s/ Matthew B. Taladay Esq.</p>	Fredric Joseph Ammerman



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
KAREN BAUGHMAN  
CLERK TYPIST  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 105408

TERM & NO. 09-501-CD

COMPLAINT IN MORTGAGE FORECLOSURE

VS.

TIMOTHY A. KRONENWETTER and SANAA HELMI

**SERVE BY: 04/09/09  
COURT DATE:**

### MAKE REFUND PAYABLE TO FIRST COMMONWEALTH BANK

**SERVE:** TIMOTHY A. KRONENWETTER

**ADDRESS:** 1705 BALTIMORE PIKE, HANOVER, PA 17331

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF YORK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 11, 2009.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED  
OFFICE OF THE SHERIFF  
MARCH 13 PM 2 44  
YORK, PA

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

06-1967-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
Frie Insurance & Jacoby, Louis, Jr.		46-3-04 (James L. Hawkins)		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
3410 West 12th Street, Erie, PA 16505				
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)	
10/26/06	Erie Insurance & Louis Jacoby, Jr. v. Mecco Construction			
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 0000092-06	<i>SJB</i>			
LT				
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p><i>Signature of Prothonotary or Deputy</i></p>				
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>				

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Signature of appellant or his attorney or agent*

RULE: To \_\_\_\_\_, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: \_\_\_\_\_, \_\_\_\_\_.

*Signature of Prothonotary or Deputy*

**FILED** Atty Bowers pd.  
m/11/06 85.00

NOV 27 2006 1CC Atty Bowers

William A. Shaw  
Prothonotary/Clerk of Courts

1CC Atty Mason (per Bowers)  
1CCMDS Hawkins

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## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)*

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_,

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

06-1967-CJ

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT	MAG. DIST. NO. OR NAME OF D.J.		
Erie Insurance & Jacchy, Louis, Jr.	46-3-C4	(James L. Hawkins)	
ADDRESS OF APPELLANT	CITY	STATE	ZIP CODE
3410 West 12th Street, Erie, PA 16505			
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
10/26/06	Erie Insurance & Louis Jacchy, Jr. v. Mecco Construction		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV 06-3392-C5 LT			

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

*Signature of Prothonotary or Deputy*

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

## PRAECIPE: To Prothonotary

Enter rule upon \_\_\_\_\_, appellee(s), to file a complaint in this appeal.  
(Name of appellee(s))

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

*Signature of appellant or his attorney or agent*

## RULE: To \_\_\_\_\_

(Name of appellee(s))

appellee(s).

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

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

*Signature of Prothonotary or Deputy*

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## PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)*

### COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; SS

**AFFIDAVIT:** I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, \_\_\_\_\_,  by personal service  by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

*Signature of affiant*

*Signature of official before whom affidavit was made*

*Title of official*

My commission expires on \_\_\_\_\_,

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD****NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

Mag. Dist. No.:

**46-3-04**

MDJ Name: Hon.

**JAMES L. HAWKINS**Address: **251 SPRING ST****PO BOX 362****HOOTZDALE, PA**Telephone: **(814) 378-7160****16651-0362**

PLAINTIFF:

NAME and ADDRESS  
**ERIE INSURANCE & LOUIS JACOBY, JR**  
**3410 WEST 12TH ST**  
**ERIE, PA 16505**

NAME and ADDRESS

VS.  
DEFENDANT:  
**MECCO CONSTRUCTION**  
**PO BOX 77**  
**MORANN, PA 16663**

NAME and ADDRESS

**JAMES L. HAWKINS**  
**251 SPRING ST**  
**PO BOX 362**  
**HOOTZDALE, PA 16651-0362**Docket No.: **CV-0000092-06**  
Date Filed: **8/18/06****THIS IS TO NOTIFY YOU THAT:**Judgment: **DEFAULT JUDGMENT DEF.** (Date of Judgment) **10/26/06**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) <b>MECCO CONSTRUCTION</b>	
<input checked="" type="checkbox"/> Judgment was entered against: (Name) <b>ERIE INSURANCE &amp; LOU, IS JACOB</b> in the amount of \$ <b>.00</b>	
<input type="checkbox"/> Defendants are jointly and severally liable.	Amount of Judgment \$ <b>.00</b>
<input type="checkbox"/> Damages will be assessed on Date & Time _____	Judgment Costs \$ <b>.00</b>
<input type="checkbox"/> This case dismissed without prejudice.	Interest on Judgment \$ <b>.00</b>
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	Attorney Fees \$ <b>.00</b>
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	Total \$ <b>.00</b>
	Post Judgment Credits \$ _____
	Post Judgment Costs \$ _____
	Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10-26-06 Date James L. Hawkins, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-06

DATE PRINTED: **10/26/06 10:03:00 AM**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-04**

MDJ Name: Hon.

**JAMES L. HAWKINS**

Address: **251 SPRING ST  
PO BOX 362  
HOUTZDALE, PA**

Telephone: **(814) 378-7160** **16651-0362**

**ATTORNEY FOR PLAINTIFF :**

**STEPHEN C. BOWERS  
498 JEFFERS ST  
BOX 487  
DUBOIS, PA 15801**

**THIS IS TO NOTIFY YOU THAT:**

Judgment: **DEFAULT JUDGMENT DEF.**

(Date of Judgment)

*10/26/06*

Docket No.: **CV-0000092-06**  
Date Filed: **8/18/06**



*06-1967-CD*

- Judgment was entered for: (Name) **MECCO CONSTRUCTION**
- Judgment was entered against: (Name) **ERIE INSURANCE & LOU, IS JACOB**  
in the amount of \$ **.00**
- Defendants are jointly and severally liable.
- Damages will be assessed on Date & Time \_\_\_\_\_
- This case dismissed without prejudice.
- Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127  
\$ \_\_\_\_\_
- Portion of Judgment for physical damages arising out of  
residential lease \$ \_\_\_\_\_

Amount of Judgment	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b> \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**FILED**  
*10-26-06*  
**DEC 06 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

*10-26-06* Date

*James L. Hawkins*

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

*11-22-06* Date

*James L. Hawkins*

, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff  
  
vs.  
  
WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

CIVIL ACTION - AT LAW

No. 06-1967-CD

Type of pleading:  
COMPLAINT

Filed on behalf of: Plaintiffs

Counsel of Record for This  
Party:

S. Casey Bowers, Esq.  
Supreme Court No. 89032  
Hanak, Guido and Taladay  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Date: December 14, 2006

FILED *acc 14 by  
Bowers*  
0/12/30pm  
DEC 14 2006  
*(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,	:	CIVIL ACTION - AT LAW
Plaintiff	:	
	:	No.
vs.	:	
	:	
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

NOTICE

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

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

Office of the Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,	:	CIVIL ACTION - AT LAW
Plaintiff	:	
	:	No.
vs.	:	
	:	
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

COMPLAINT

AND NOW, comes Plaintiff, Louis Jacoby, Jr., by and through his attorneys, Hanak, Guido and Taladay, hereby brings this complaint and avers as follows:

1. Plaintiff is Louis Jacoby, Jr., an adult individual, who resides at 475 Fernwood Road, Houtzdale, Clearfield County, Pennsylvania 16651.
2. Defendant is Wesley Lovell, d/b/a Mecco Construction, with a business address of P.O. Box 77 Morann, Clearfield County, Pennsylvania 16663.
3. At all times pertinent hereto, Defendant was a general contractor in the business of constructing pole buildings.
4. In or about November of 2005, Defendant entered into a contract with Plaintiff to construct a pole building on a parcel of real property located on Scotch Road near Ginter, Clearfield County, Pennsylvania.

5. In the process of constructing Plaintiff's pole building, Defendant set approximately seventy (70) pre-manufactured wooden trusses on Plaintiff's building on or about November 23, 2005.

6. On or about November 24, 2005, the subject trusses collapsed and fell to the ground thereby damaging the trusses and Plaintiff's building.

7. This accident was caused by the negligence and carelessness of the Defendant, his agents, workmen and/or employees working in furtherance of Defendant's business and within the course and scope of their employment with Defendant.

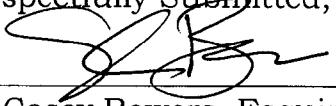
8. Defendant's negligence consisted of:

- a. Failing to properly brace, secure or tie down the subject trusses;
- b. Failing to promptly install sheeting over the subject trusses;
- c. Failing to use reasonable care in setting and/or securing the trusses; and
- d. Utilizing defective and/or inappropriate trusses.

9. Solely and as a direct result of the accident, Plaintiff suffered damage to his property in the amount of \$11,085.16 in that he was forced to purchase and reinstall the trusses that collapsed.

WHEREFORE, Plaintiff claims damages from Defendant in an amount not in excess of \$25,000.00 exclusive of interest and costs.

Respectfully Submitted,

  
\_\_\_\_\_  
S. Casey Bowers, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, S. Casey Bowers, Esquire, hereby verify that the statements contained in the foregoing Complaint are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiff because of my position as counsel of record.

December 13, 2006



S. Casey Bowers  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,	:	CIVIL ACTION - AT LAW
Plaintiff	:	
	:	
	:	No. 06-1967-CD
	:	
	:	
-vs-	:	
	:	
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I certify that on this, the 16th day of December, 2006, a true and correct/certified copy of the Complaint filed on December 14, 2006 in this matter was forwarded by First Class U.S. Mail, to all counsel of record addressed as follows:

David C. Mason, Esquire  
409 North Front Street  
P.O. box 28  
Philipsburg, PA 16866



S. Casey Bowers  
Attorney for Plaintiff

FILED <sup>100</sup>  
m10:27 AM  
DEC 19 2006  
S.C. *Casey Bowers*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff  
  
vs.  
  
WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

CIVIL ACTION - AT LAW

No. 06-1967-CD

Type of pleading:  
VERIFICATION TO  
COMPLAINT

Filed on behalf of: Plaintiffs

Counsel of Record for This  
Party:

S. Casey Bowers, Esq.  
Supreme Court No. 89032  
Hanak, Guido and Taladay  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Date: January 4, 2007

FILED  
01/04/07 2CC  
JAN 12 2007 Atty Bowers  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts

**VERIFICATION**

I, LOUIS JACOBY, Jr., do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 1-4-2007

Louis Jacoby Jr.  
LOUIS JACOBY, Jr.

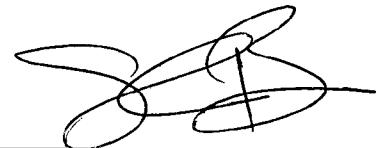
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - AT LAW  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 4th day of January, 2007, a copy of the Verification to Complaint executed by Plaintiff was forwarded via first class mail, postage prepaid, to the following:

David C. Mason, Esquire  
409 North Front Street  
P.O. Box 28  
Philipsburg, PA 16866



---

S. Casey Bowers  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

CIVIL ACTION - LAW

No. 06-1967-CD

Type of Pleading:

**CERTIFICATE OF  
SERVICE**

Filed on behalf of:

Plaintiff

Counsel of Record for This Party:

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

814-371-7768

FILED

MAR 19 2007

3/8/07

William A. Shaw  
Prothonotary/Clerk of Courts

No. 9C

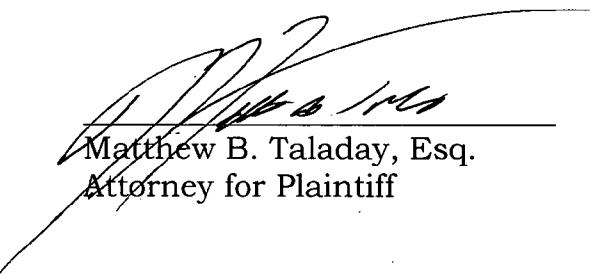
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2007, I mailed an original  
Important Notice, copy of which is attached hereto, by first class mail, postage  
prepaid to:

David C. Mason, Esq.  
Attorney for Defendant  
P.O. Box 28  
Philipsburg, PA 16866

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

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

LOUIS JACOBY, JR.,  
Plaintiff

vs. : No. 06-1967-CD

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

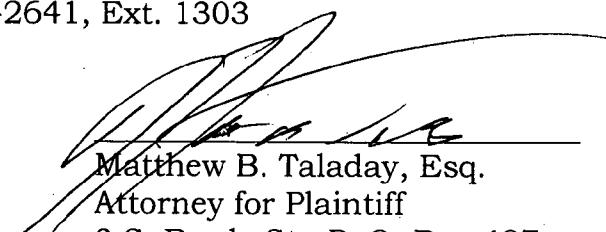
**IMPORTANT NOTICE**

To: WESLEY LOVELL, d/b/a MECCO CONSTRUCTION  
c/o David C. Mason, Esq.

You are in default because you have failed to take action required of you in this case. Unless you act within ten (10) days of the date of this notice, judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help.

Court Administrator of Clearfield County  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 1303

Date: March 16, 2007

  
Matthew B. Taladay, Esq.

Attorney for Plaintiff

3 S. Brady St., P. O. Box 487  
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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\* TYPE OF PLEADING:  
\* DEFENDANT'S ANSWER TO  
\* PLAINTIFF'S COMPLAINT  
\* CONTAINING NEW MATTER

\*

\*

\* FILED ON BEHALF OF:  
\* DEFENDANT

\*

\* ATTORNEY FOR DEFENDANT:  
\* David C. Mason, Esquire  
\* Supreme Court ID #39180  
\* MASON LAW OFFICE  
\* P.O. Box 28  
\* Philipsburg, PA 16866  
\* (814) 342-2240

\*

\* ATTORNEY FOR PLAINTIFF:  
\* S. Casey Bowers, Esquire  
\* No. 89032  
\* Hanak, Guido & Taladay  
\* P.O. Box 487  
\* DuBois, PA 15801  
\* (814) 371-7768

FILED

MAR 23 2007

M/10:15/w/CR  
William A. Shaw  
Prothonotary/Clerk of Courts

1 CENTS TO FILE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

VS.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD  
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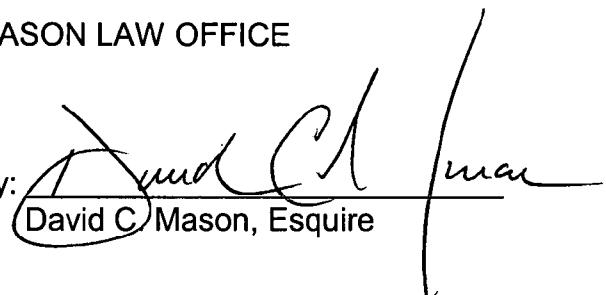
**NOTICE TO PLEAD**

You are hereby required to plead to the within New Matter within twenty (20) days from the date of service hereof.

MASON LAW OFFICE

By:

David C. Mason, Esquire

A handwritten signature in black ink, appearing to read "David C. Mason". The signature is written in a cursive style with a large, stylized 'C' and 'M'. A horizontal line is drawn through the signature, and the name "David C. Mason, Esquire" is printed in a smaller, sans-serif font below it.

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

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

DEFENDANT'S ANSWER  
TO PLAINTIFF'S COMPLAINT  
CONTAINING NEW MATTER

AND NOW, comes the Defendant, **WESLEY LOVELL, d/b/a MECCO CONSTRUCTION**, by and through his attorney, David C. Mason, Esquire, who answers the Plaintiff's Complaint, and in support thereof aver as follows:

1 - 6. **ADMITTED.**

7. **DENIED.** The statement contained in paragraph 7 of Plaintiff's Complaint is a conclusion of law not an averment of fact and accordingly no response is necessary or required. To the extent a response is required, this averment is denied and strict proof thereof is demanded at the time of trial.

8. **DENIED.** Defendant denies he was negligent, and in particular:

    A. **DENIED.** Defendant denies that he failed to properly place, secure or tie down the trusses;

    B. **DENIED.** Defendant denies that the failure to install sheeting over the trusses was negligent;

**C. DENIED.** Defendant denies that he failed to use reasonable care in setting and securing the trusses;

**D. DENIED.** Defendant denies that he knowingly used defective and/or inappropriate trusses.

By way of further answer, please see New Matter.

**9. DENIED.** To the extent paragraph 9 implies negligence or liability on the part of Answering Defendant, these allegations are denied. To the extent this allegation alleges damages, after reasonable investigation, Answering Defendant is without sufficient knowledge or information to form a belief as to the trust or falsity and therefore, strict proof is demanded at the time of trial.

**WHEREFORE**, Defendant prays your Honorable Court for the entry of an Order dismissing Plaintiff's Complaint.

#### **NEW MATTER**

10. At all times material and relevant hereto Defendant performed his contractual obligations in a substantial workmanlike manner.

11. Plaintiff's loss was solely caused by and attributable to an act of God in that severe weather in the form of extremely high wind gusts, tempests, gales, whirlwinds or other extreme, unforeseeable and unpredictable weather events damaged Plaintiff's building.

12. Defendant avers that he took all reasonable steps necessary to secure the trusses, which steps would have protected Plaintiff's property but for the occurrence of the severe weather, which occurrence was unforeseen, and could not reasonably have been foreseen.

13. Defendant further avers that the extreme weather events described in paragraph 11 hereof was so unpredictable, extensive and unprecedented in vehement and destructive fury that the Defendant could not have made adequate preparations to prevent or mitigate the resulting damages.

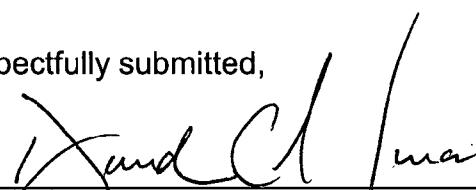
14. Plaintiff's action is barred by the doctrine of comparative negligence.

15. Plaintiff's action is barred by the doctrine of contributory negligence.

16. Plaintiff's action is barred by the doctrine of assumption of the risk.

**WHEREFORE**, Answering Defendant prays your Honorable Court for the entry of an Order dismissing Plaintiff's Complaint.

Respectfully submitted,

By: 

David C. Mason, Esquire  
Attorney for Defendant

**VERIFICATION**

I verify that the statements 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 are made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsification to authorities.

Wesley Lovell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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\* TYPE OF PLEADING:  
\* CERTIFICATE OF SERVICE

\*

\*

\* FILED ON BEHALF OF:  
\* DEFENDANT

\*

\* ATTORNEY FOR DEFENDANT:  
\* David C. Mason, Esquire  
\* No. 39180  
\* MASON LAW OFFICE  
\* P.O. Box 28  
\* Philipsburg, PA 16866  
\* (814) 342-2240

\*

\* ATTORNEY FOR PLAINTIFF:  
\* S. Casey Bowers, Esquire  
\* No. 89032  
\* Hanak, Guido & Taladay  
\* P.O. Box 487  
\* DuBois, PA 15801  
\* (814) 371-7768

FILED

MAR 23 2007  
m/10:25/ *[Signature]*  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CLEW TO ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD  
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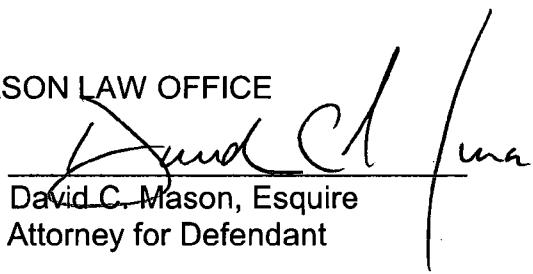
**CERTIFICATE OF SERVICE**

I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of DEFENDANT'S ANSWER and NEW MATTER, filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

S. Casey Bowers, Esquire  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

DATED: 3-22-7

MASON LAW OFFICE

By: 

David C. Mason, Esquire  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

CIVIL ACTION - LAW

No. 06-1967-CD

Type of Pleading:

**REPLY TO NEW MATTER**

Filed on behalf of:

Plaintiff

Counsel of Record for This Party:

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

814-371-7768

FILED  
M 10 50 2007 NO CC  
JUL 26 2007 (6A)

William A. Shaw  
Prothonotary/Clerk of Courts

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

LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiff, Louis Jacoby, Jr., and hereby  
replies to New Matter of the Defendant as follows:

10. Denied as more fully set forth in Plaintiff's Complaint, which is  
incorporated herein by reference.

11. Denied. To the contrary, any weather conditions related to the  
loss were reasonably foreseeable, and the Defendant knew or should have  
known of the possibility or likelihood of these conditions and taken appropriate  
steps to prevent the loss.

12. Denied as more fully set forth in Plaintiff's Complaint and  
response to Paragraph No. 11 above.

13. Denied as more fully set forth in Plaintiff's Complaint and  
response to Paragraph No. 11 above.

14. Denied as a conclusion of law. By way of further answer, it is  
averred that the doctrine of comparative negligence is not applicable to this  
case.

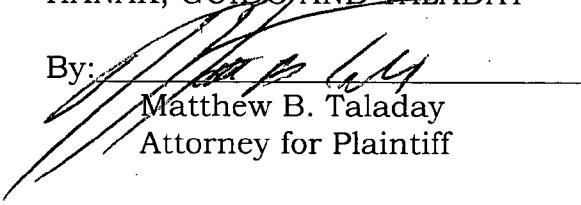
15. Denied as a conclusion of law. By way of further answer, it is averred that the doctrine of contributory negligence is not applicable to this case.

16. Denied as a conclusion of law. By way of further answer, it is averred that the doctrine of assumption of risk is not applicable in this case.

WHEREFORE, Plaintiff demands judgment as set forth in his Complaint

HANAK, GUIDO AND TALADAY

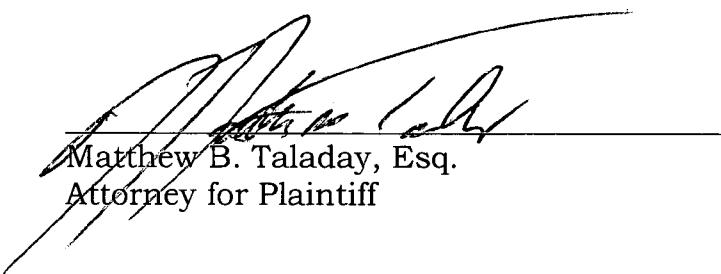
By:

  
Matthew B. Taladay  
Attorney for Plaintiff

**VERIFICATION**

I, Matthew B. Taladay, hereby verify that the statements contained in the foregoing REPLY TO NEW MATTER are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiff because of my position as counsel of record.

July 25, 2007

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

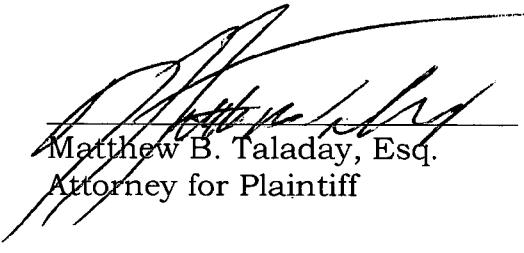
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
vs. :  
: No. 06-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

CERTIFICATE OF SERVICE

I hereby certify that on 25th day of July, 2007, I mailed a copy of  
the Plaintiff's Reply to New Matter by first class mail, postage prepaid to:

David C. Mason, Esq.  
Attorney for Defendant  
P.O. Box 28  
Philipsburg, PA 16866

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

: CIVIL ACTION - LAW  
: No. 06-1967-CD  
: Type of Pleading:  
: Praecipe for Substitution of  
: Verification  
: Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

Dated: 08/27/07

FILED  
M 10:54 AM  
AUG 28 2007  
NOCC  
GJ

William A. Shaw  
Prothonotary/Clerk of Courts

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

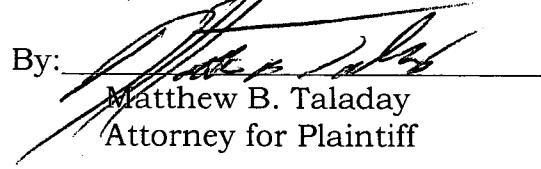
LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**PRAECIPE FOR SUBSTITUTION OF VERIFICATION**

TO THE PROTHONOTARY:

Kindly substitute the attached Verification to Plaintiff's Reply to  
New Matter.

HANAK, GUIDO AND TALADAY

By: 

Matthew B. Taladay  
Attorney for Plaintiff

**VERIFICATION**

I, LOUIS JACOBY, JR., hereby verify that the statements made in the REPLY TO NEW MATTER are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to the authorities.

8-8-07

(Date)



Louis Jacoby, Jr.

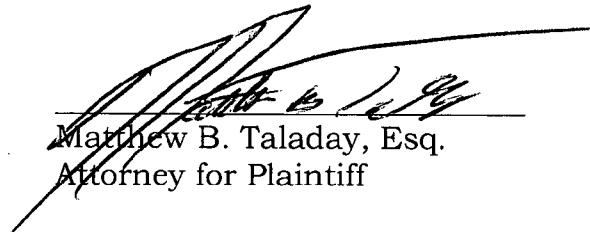
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
: :  
vs. : No. 06-1967-CD  
: :  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

CERTIFICATE OF SERVICE

I hereby certify that on 27th day of August, 2007, I mailed a copy  
of the Plaintiff's Praecipe for Substitution of Verification by first class mail,  
postage prepaid to:

David C. Mason, Esq.  
Attorney for Defendant  
P.O. Box 28  
Philipsburg, PA 16866

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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\* TYPE OF PLEADING:  
\* Motion For Leave To Withdraw As  
\* Counsel

\*

\*

\*

\* FILED ON BEHALF OF:  
\* DEFENDANT

\*

\* ATTORNEY FOR DEFENDANT:  
\* David C. Mason, Esquire  
\* Supreme Court ID #39180  
\* MASON LAW OFFICE  
\* P.O. Box 28  
\* Philipsburg, PA 16866  
\* (814) 342-2240

\*

\* ATTORNEY FOR PLAINTIFF:  
\* S. Casey Bowers, Esquire  
\* No. 89032  
\* Hanak, Guido & Taladay  
\* P.O. Box 487  
\* DuBois, PA 15801  
\* (814) 371-7768

FILED 01:45pm  
ACC/ATH  
Mason.  
FEB 29 2008  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD  
\*

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**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

AND NOW, comes DAVID C. MASON, Attorney at Law, and files this Motion for Leave to Withdraw as Counsel for Wesley Lovell and in support thereof avers as follows:

1. Commencing in October, 2006, Petition was retained by Wesley Lovell to represent him and his business interests in the above captioned matter.
2. Respondent has failed and refused, and continues to fail and refuse to pay the reasonable and necessary fees for this representation.
3. In addition, your Petitioner has incurred out of pocket costs and expenses in furtherance of the Defendant's assertions, for which the Defendant has failed to reimburse the Petitioner.
4. Defendant has failed to respond to Petitioner, and communication between Petitioner and Defendant has broken down.
5. The relationship between counsel and client is seriously impaired, and it would be unfair for Petitioner to continue to represent this Defendant when the Defendant refuses to pay the reasonable and necessary costs and fees associated with this Defendant.

6. No Motions are pending before the Court, and this matter is not scheduled for any hearings or trial, and it will not be prejudicial to the rights of the Defendant as he will have time to obtain other counsel.

**WHEREFORE**, Petitioner prays your Honorable Court for the entry of an Order permitting him to file a Praeclipe for Withdrawal of Appearance.

Respectfully submitted,

MASON LAW OFFICE

By: I and CL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

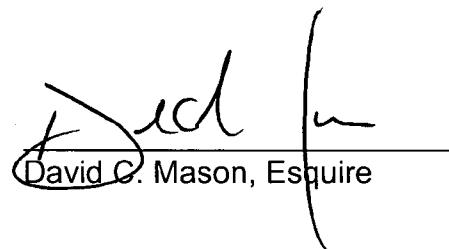
WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD  
\*  
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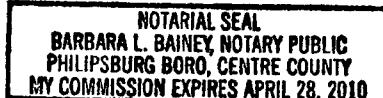
**AFFIDAVIT**

DAVID C. MASON, ESQUIRE, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition of Defendant Wesley Lovell's Counsel for Leave to Withdraw as Counsel are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
David C. Mason, Esquire

SWORN to and subscribed before  
me this 29<sup>th</sup> day of February  
2008.

Barbara L. Bainey  
N.P.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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**CERTIFICATE OF SERVICE**

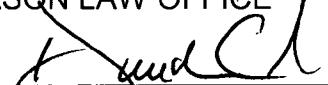
I, DAVID C. MASON, Esquire, do hereby certify that I served a true and correct copy of a MOTION FOR LEAVE TO WITHDRAW AS COUNSEL filed in the above captioned matter, by depositing the same in the United States Mail, first class, postage prepaid, and addressed as follows:

S. Casey Bowers, Esquire  
Hanak, Guido & Taladay  
P.O. Box 487  
DuBois, PA 15801

Wesley Lovell  
P.O. Box 277  
Ramey, PA 16671

DATED: 2-29-8

MASQN LAW OFFICE

By:   
David C. Mason, Esquire  
Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD  
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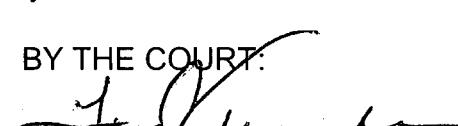
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BY THE COURT:  
  
GK

FILED 2cc Atty.  
01/10/05cm Mason  
MAR 04 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**MAR 04 2008**

DATE: 34-2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

04/21/08

CASE NUMBER	TYPE	TRIAL REQUESTED	DATE PRESENTED
			ESTIMATED TRIAL TIME
06-1967-CD	( ) Jury ( ) Non-Jury		
Date Complaint Filed:	(x) Arbitration		1/2 Days
12/14/2006			

PLAINTIFF(S)

LOUIS JACOBY, JR.

DEFENDANT(S)

WESLEY LOVELL, d/b/a MECCO CONSTRUCTION

ADDITIONAL DEFENDANT(S)

Check Block if  
a Minor is a  
Party to the  
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

APR 22 2008 Atty  
Taladay

more than

\$ 11,085.16

( ) yes (x) no

William A. Shaw  
Prothonotary/Clerk of Courts  
\$20.00

**FILED** No  
cc  
2010-27-01

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.

FOR THE PLAINTIFF

TELEPHONE NUMBER

Matthew B. Taladay, Esq.

(814) 371-7768

FOR THE DEFENDANT

TELEPHONE NUMBER

Pro Se

Unknown

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

LOUIS JACOBY, JR.

vs.

No. 06-1967-CD

WESLEY LOVELL, d/b/a MECCO  
CONSTRUCTION

**ORDER**

NOW, this 4<sup>th</sup> day of August, 2008, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Thursday, September 11, 2008 at 9:00 A.M. The following have been appointed as Arbitrators:

Dwight L. Koerber, Esquire, Chairman

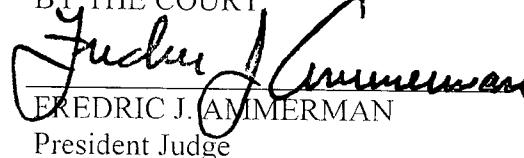
Barbara Hugney-Shope, Esquire

Blaise Ferraraccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Please report to Hearing Room No. 3, 2<sup>nd</sup> Floor, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDERIC J. AMMERMAN  
President Judge

FILED 5cc  
04/06/08  
AUG 04 2008 CIA

William A. Shaw  
Prothonotary/Clerk of Courts

60

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

LOUIS JACOBY, JR.,  
Plaintiff

vs.  
WESLEY LOVELL, d/b/a MECCO CONSTRUCTION,  
Defendant

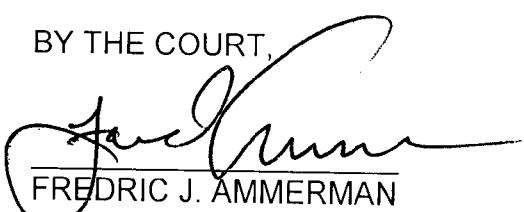
\* NO. 06-1967-CD

ORDER

NOW, this 8<sup>th</sup> day of September, 2008, upon request of the Defendant due to his desire to no longer proceed with litigation, it is the ORDER of this Court that the Prothonotary enter judgment in favor of the Plaintiff and against the Defendant Wesley Lovell d/b/a Mecco Construction in the amount of \$11,085.16 plus interest at the legal rate and costs of suit.

Arbitration scheduled for September 11, 2008 is hereby canceled.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
10/4/08 Bowers  
SEP 01 2008 Mason

William A. Shaw  
Prothonotary/Clerk of Courts

100 CIA

(610)

**FILED**

SEP 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE 9/9/08

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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - LAW  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a : Type of Pleading:  
MECCO CONSTRUCTION, : Praeclipe to Enter  
Defendant : Judgment  
: Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: Suite 300  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

FILED Atty Paid 20.00  
in 11:40 a.m. 6IC Statement to Atty Taladay  
DEC 24 2008 Notice to Atty Dave Mason

5  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

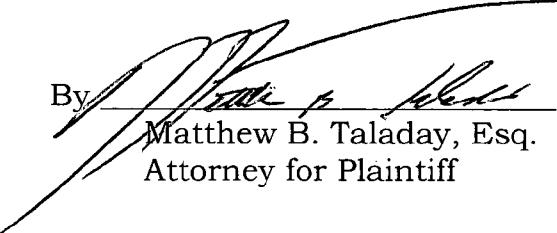
**ENTRY OF JUDGMENT**

TO THE PROTHONOTARY:

Please enter judgment in favor of Plaintiff and against Defendant in  
the amount of \$11,085.16, plus interest at the legal rate and costs of suit  
pursuant to Order of Court dated September 8, 2008.

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

Erie Insurance  
Louis Jacoby Jr.  
Plaintiff(s)

No.: 2006-01967-CD

Real Debt: \$11,085.16

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mecco Construction  
Wesley Lovell  
Defendant(s)

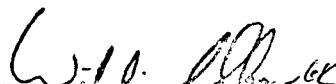
Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: December 24, 2008

Expires: December 24, 2013

Certified from the record this December 24, 2008



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

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Erie Insurance Louis Jacoby Jr.

Vs.

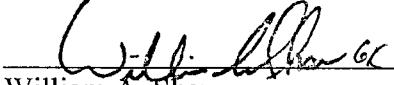
No. 2006-01967-CD

Mecco Construction Wesley Lovell

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$11,085.16 on December 24, 2008.

William A. Shaw  
Prothonotary

  
William A. Shaw

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - LAW  
Plaintiff :  
:

vs.

WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

Type of Pleading:

**Certificate of Service**

Filed on behalf of:

Plaintiff

Counsel of Record for This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Dated: 01/29/09

*S*  
**FILED**  
1/30/09  
JAN 30 2009  
W.A. Shaw  
Prothonotary/Clerk of Courts

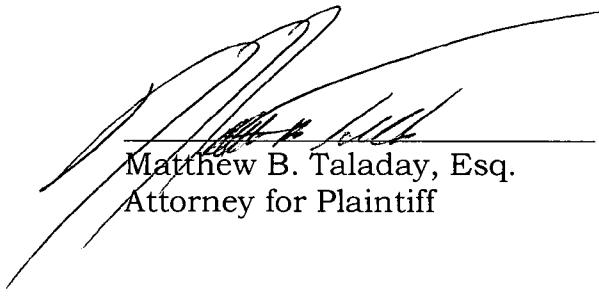
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR. :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of January, 2009, I mailed Plaintiff's Interrogatories in Aid of Execution by Certified Mail No. 7006 0810 0001 0122 7353, Return Receipt Requested, postage prepaid to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

FILED *for*

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

APR 14 2009

10:15 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

1447

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

: CIVIL ACTION - LAW  
: No. 06-1967-CD  
: Type of Pleading:  
: Motion to  
: Compel Discovery  
: Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

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

LOUIS JACOBY, JR.,	:
Plaintiff	:
	:
vs.	:
	No. 06-1967-CD
	:
WESLEY LOVELL, d/b/a	:
MECCO CONSTRUCTION,	:
Defendant	:

**MOTION TO COMPEL DISCOVERY**

AND NOW, comes the Plaintiff, Louis Jacoby, Jr., by his attorneys, Hanak, Guido and Taladay, and hereby submits the within Motion to Compel Discovery:

1. By Order of Court dated September 8, 2008, judgment was entered in favor of Plaintiff and against Defendant in the amount of \$11,085.16, plus interest. This judgment was not appealed.

2. Interrogatories in Aid of Execution were served on the last known residence of Plaintiff on February 11, 2009. Enclosed is a copy of the certified mailing to Wesley Lovell and apparently signed by an adult individual at Mr. Lovell's place of residence.

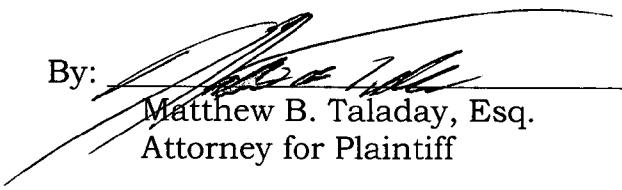
3. To date no responses to Interrogatories have been forthcoming.

4. Plaintiff respectfully requests that this Court issue an Order directing Defendant to provide full and complete responses to Interrogatories in

Aid of Execution within thirty days from the date of the Order, upon failure of which Defendant may be subject to sanctions.

WHEREFORE, it is respectfully requested that the relief requested in this Motion to Compel be granted.

HANAK, GUIDO AND TALADAY

By: 

Matthew B. Taladay, Esq.  
Attorney for Plaintiff

**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:**

WESLEY LOVELL  
MECCO CONSTRUCTION  
PO BOX 277  
RAMEY PA 16671

**2. Article Number**

*(Transfer from service label)*

7006 0810 0001 0122 7353

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

*Jeanne Selvage*

- Agent  
 Addressee

**B. Received by (Printed Name)**

*Jeanne Selvage*

**C. Date of Delivery**

2-11-09

- 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

**EXHIBIT "A"**

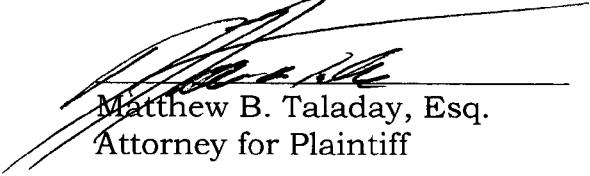
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR.,	:
Plaintiff	:
	:
vs.	:
	No. 06-1967-CD
	:
WESLEY LOVELL, d/b/a	:
MECCO CONSTRUCTION,	:
Defendant	:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of April, 2009, a true and correct copy of the foregoing Motion to Compel Discovery was forwarded via First Class U.S. Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

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

LOUIS JACOBY, JR., :  
Plaintiff :  
vs. :  
: No. 06-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

5 FILED

APR 16 2009  
6/2/2009 (CS)  
William A. Shaw  
Prothonotary/Clerk of Courts

I went to

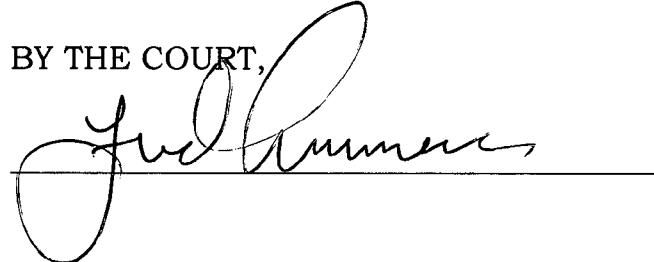
Attn:

**ORDER OF COURT**

AND NOW, this 16 day of April, 2009, upon  
consideration of Plaintiff's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted. Defendant  
shall forthwith produce and supply full and complete discovery responses  
within thirty (30) days from the date of this Order. In the event that Defendant  
fails to abide by this Order, this Court may, upon further Petition of Plaintiff,  
impose appropriate sanctions.

BY THE COURT,



Date: 11/16/09

Yours are responses to the following questions

1. Who are providers of the best provided services to the following patients:

Specializations: \_\_\_\_\_

Diseases/conditions: \_\_\_\_\_

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

Defendant's Attorney: \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Other: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - LAW  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a : Type of Pleading:  
MECCO CONSTRUCTION, :  
Defendant : **Certificate of Service**  
: Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

Dated: 04/21/09

FILED  
M 110 4 2009  
APR 22 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts

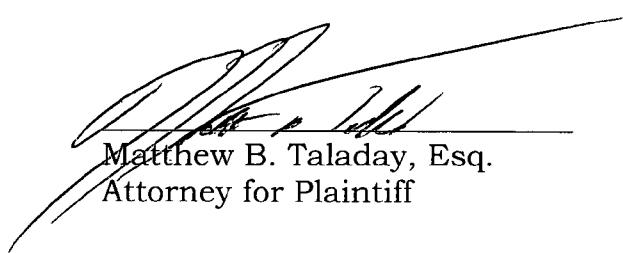
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR. :  
Plaintiff :  
vs. : No. 06-1967-CD  
: :  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of April, 2009, I mailed a certified copy of Order of Court dated April 16, 2009, via United State First Class Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

: CIVIL ACTION - LAW  
: No. 06-1967-CD  
: Type of Pleading:  
: Motion for  
: Sanctions  
: Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

FILED NO  
M 10:50 AM  
JUN 18 2009  
S 611

William A. Shaw  
Prothonotary/Clerk of Courts

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

LOUIS JACOBY, JR., :  
Plaintiff :  
: :  
vs. : No. 06-1967-CD  
: :  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant : :  
:

**MOTION FOR SANCTIONS**

AND NOW, comes the Plaintiff, Louis Jacoby, Jr., by his attorneys, Hanak, Guido and Taladay, and hereby submits the within Motion for Sanctions:

1. By Order of Court dated September 8, 2008, judgment was entered in favor of Plaintiff and against Defendant in the amount of \$11,085.16, plus interest. This judgment was not appealed.

2. Interrogatories in Aid of Execution were served on the last known residence of Defendant, Wesley Lovell, on February 11, 2009. A certified return receipt was signed by an adult individual at this place of residence.

3. To date Responses to Interrogatories have not been received.

4. Upon Motion to Compel Discovery filed on behalf of Plaintiff, this Court issued an Order dated April 16, 2009 directing Defendant to

produce full and complete discovery responses within thirty days from the date of the Order, or, upon failure to do so, be subject to sanctions.

5. A copy of the Order of Court dated April 16, 2009 was forwarded to the last known residence of Wesley Lovell on April 21, 2009. A Certificate of Service evidencing this mailing has been filed with the Court and is attached as Exhibit "A".

6. Plaintiff hereby requests this Honorable Court to issue a Rule to Show Cause, if any, why Plaintiff should not be found in contempt of Court and subject to appropriate sanctions, including, but not limited to, imposition of Plaintiff's counsel fees and costs in preparing and filing this Motion for Sanctions, along with any other sanctions that the Court may deem appropriate.

WHEREFORE, it is respectfully requested that this Motion for Sanctions be granted.

HANAK, GUIDO AND TALADAY

By:

Matthew B. Taladay, Esq.  
Attorney for Plaintiff

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

LOUIS JACOBY, JR.,	:	
Plaintiff	:	
vs.	:	No. 06-1967-CD
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

**ORDER OF COURT**

AND NOW, this 19<sup>th</sup> day of June, 2009, upon consideration of Plaintiff's Motion for Sanctions, Rule is hereby issued to Wesley Lovell to show cause, if any, why the Court should not impose sanctions for failure to comply with its Order dated April 16, 2009 compelling Defendant to produce full and complete discovery responses within thirty days. This Rule is returnable at Hearing to be held on the 4<sup>th</sup> day of September, 2009 at 10:00 A m. in Courtroom 1 of the Clearfield County Courthouse, 230 E. Market Street, Clearfield, Pennsylvania.

BY THE COURT

BY THE COURT

S **FILED** 100  
01/04/2009  
JUN 22 2009 *Attn: Tabacky*  
GJ

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

JUN 22 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE 6/22/09

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special instructions:

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

LOUIS JACOBY, JR.,	:
Plaintiff	:
	:
vs.	:
	No. 06-1967-CD
	:
WESLEY LOVELL, d/b/a	:
MECCO CONSTRUCTION,	:
Defendant	:

**ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2009, upon notice  
and opportunity for hearing,

IT IS HEREBY ORDERED AND DECREED THAT Plaintiff's Motion  
for sanctions is granted. The Defendant, Wesley Lovell, is hereby directed to  
pay Plaintiff's attorney fees and expenses incurred in filing and arguing Motion  
to Compel Discovery and Motion for Sanctions in the amount of \$\_\_\_\_\_.  
Further, Defendant is directed to provide full and complete responses to  
previously serviced Interrogatories in Aid of Execution within \_\_\_\_\_ days of the  
date of this Order. In addition, the Court imposes upon the Defendant, Wesley  
Lovell, additional sanctions as follows:

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BY THE COURT,

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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - LAW  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a : Type of Pleading:  
MECCO CONSTRUCTION, : **Certificate of Service**  
Defendant : Filed on behalf of:  
: Plaintiff  
: Counsel of Record for This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

Dated: 04/21/09

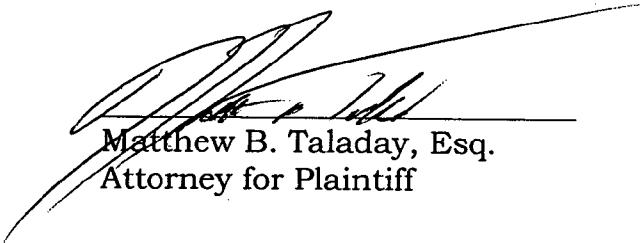
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of April, 2009, I mailed a certified copy of Order of Court dated April 16, 2009, via United State First Class Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

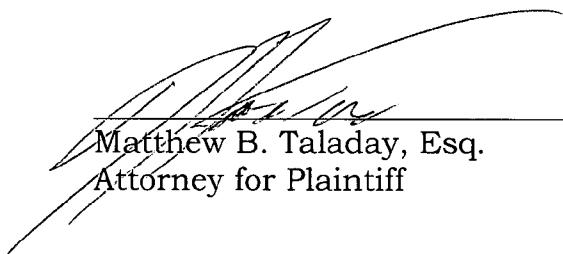
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No. 06-1967-CD
	:	
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of June, 2009, a true and correct copy of the foregoing Motion for Sanctions was forwarded via First Class U.S. Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR., : CIVIL ACTION - LAW  
Plaintiff :  
:

vs.

WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

Type of Pleading:

**Certificate of Service**

Filed on behalf of:

Plaintiff

Counsel of Record for This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Dated: 06/24/09

FILED NO  
JUN 10 2009  
JUN 25 2009  
S CC  
William A. Shaw  
Prothonotary/Clerk of Courts

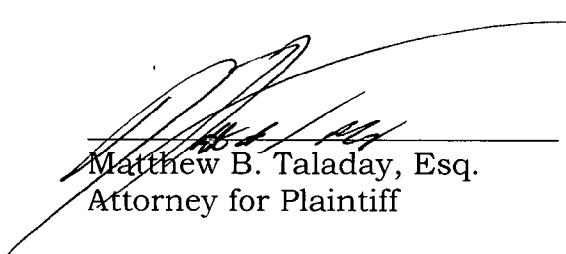
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of June, 2009, I mailed a certified copy of Order of Court dated June 19, 2009, via United State First Class Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

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William A. Shaw  
Prothonotary/Clerk of Courts Mason  
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IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

LOUIS JACOBY, JR. )  
VS. ) NO. 06-1967-CD  
WESLEY LOVELL, d/b/a )  
MECCO CONSTRUCTION )

O R D E R

NOW this 4th day of September, 2009, this being the date set for hearing on the Motion for Sanctions filed on behalf of Plaintiff due to the failure of the Defendant to comply with the Court's prior Order compelling discovery; the Defendant, Wesley Lovell, having failed to appear, it is the ORDER of this Court that the Motion for Sanctions be and is hereby granted. The Defendant, Wesley Lovell, is hereby directed to pay Plaintiff's attorney's fees and expenses incurred in the filing and arguing the motion in the amount of Two Hundred (\$200) Dollars. Payment shall be made within no more than fifteen (15) days from this date.

Furthermore, the Defendant is again ordered and directed to provide full and complete responses to previously served interrogatories in aide of execution within no more

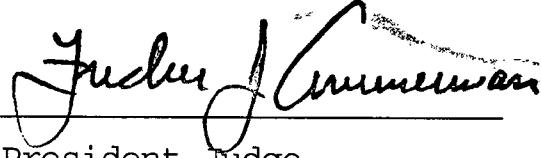
than fifteen (15) days of the date of this Order.

Further hearing in order to ensure the Defendant's compliance with this Court's Order is hereby scheduled for the 5th day of October, 2009, at 11:00 a.m.

The Court notes that the Defendant is specifically ordered to appear on the said date unless the hearing is cancelled by the Court issuing a Court Order. Failure to appear shall result in a Bench Warrant being issued for the Defendant's arrest.

The Defendant is hereby placed on notice that in the event it is shown by competent evidence presented by the Plaintiff at time of compliance hearing that he has failed to fully and unconditionally answer the interrogatories and pay attorney's fees as noted, that the Court will impose such sanctions as the Court deems to be appropriate which may include, but not necessarily be limited to, a period of incarceration.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

**FILED**

SEP 03 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 9/18/09

For the respondent(s) for serving all appropriate parties.

- The Prothonotary's office has provided service to the following parties:
- Plaintiff(s)  Plaintiff(s) Attorney  Other
  - Defendant(s)  Defendant(s) Attorney
  - Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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SEP 11 2009

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William A. Shaw  
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

LOUIS JACOBY, JR.,

Plaintiff

VS.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant

\*  
\* No. 06-1967-CD

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PRAECIPE TO WITHDRAW ENTRY

OF APPEARANCE AS COUNSEL

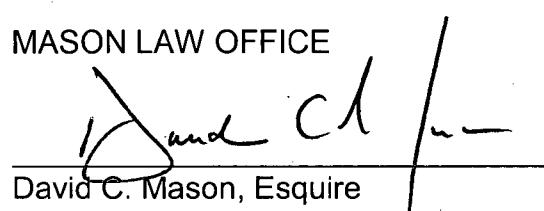
TO THE PROTHONOTARY OF SAID COURT:

Kindly withdraw my appearance on behalf of the above-named Defendant.

Respectfully submitted,

MASON LAW OFFICE

DATED: 9- 9- 9

  
\_\_\_\_\_  
David C. Mason, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

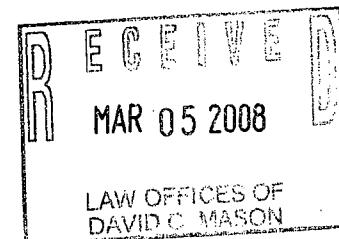
LOUIS JACOBY, JR.,

Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION

Defendant



\*  
\* No. 06-1967-CD  
\*  
\*

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\*  
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**ORDER**

NOW, this 3rd day of March, 2008, upon consideration of

Attorney David C. Mason's Petition of Defendant's Counsel for Leave to Withdraw As  
Counsel and the Defendant's failure to file written response or appear, it is hereby the  
ORDER of this Court that said Petition be and is hereby **GRANTED**.

BY THE COURT:

/s/ Fredric J Ammerman

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

MAR 04 2008

Attest.

*William J. Ammerman*  
Prothonotary/  
Clerk of Courts

FILED  
013-23-31 2cc Atty Taladay  
OCT 07 2009 2cc Def. - PO Box 277  
Raney, PA

William A. Shaw  
Prothonotary/Clerk of Courts

166-71  
(610)

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

LOUIS JACOBY, JR. )  
VS. ) NO. 06-1967-CD  
WESLEY LOVELL, d/b/a )  
MECCO CONSTRUCTION )

O R D E R

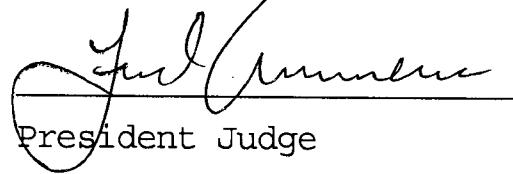
NOW this 5th day of October, 2009, this being the date set for compliance hearing relative the Court's Order of September 4, 2009; Attorney Matthew Taladay having appeared for the Plaintiff and having certified to the Court his belief that the Defendant was not appropriately served with a certified copy of this Court's Order of September 4, 2009, it is the ORDER of this Court that the hearing be and is hereby rescheduled to Friday, October 23, 2009, at 11:30 a.m., Courtroom No. 1, Clearfield County Courthouse. Estimated time of hearing is no more than thirty (30) minutes.

For purposes of the rescheduled hearing, all terms and provisions of this Court's Order of September 4, 2009, shall continue to be in effect including, but not

limited to, payment of attorney's fees, providing full and unconditional answers to interrogatories and that the Defendant shall appear unless the hearing is cancelled by the Court issuing a Court Order.

As noted in the Order of September 4, 2009, in the event the Defendant does not appear for the compliance hearing, a Bench Warrant shall be issued for his arrest.

BY THE COURT,



J. Michael  
President Judge

**FILED**

OCT 07 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/7/09

- 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 \_\_\_\_\_ Other \_\_\_\_\_
- Special Instructions:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

OCT 12 2009

~18:30/10/09  
William A. Shaw  
Prothonotary/Clerk of Courts

LOUIS JACOBY, JR.,  
Plaintiff

CIVIL ACTION - LAW

vs.

No. 06-1967-CD

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

Type of Pleading:

**Certificate of Service**

Filed on behalf of:

Plaintiff

Counsel of Record for This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801

814-371-7768

Dated: 10/09/09

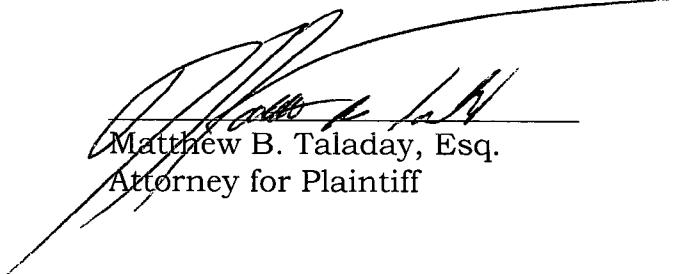
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR. :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of October, 2009, I mailed a certified copy of Order of Court dated October 5, 2009 and a certified copy of Order of Court dated September 4, 2009 via United State First Class Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff

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

LOUIS JACOBY, JR.

)

)

VS.

)

)

WESLEY LOVELL, d/b/a

)

)

MECCO CONSTRUCTION

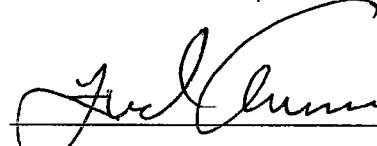
)

) NO. 06-1967-CD

**BENCH WARRANT**

NOW this 23rd day of October, 2009, this being the date set for compliance hearing relative the Court's Order of October 5, 2009; Attorney Matthew Taladay having appeared for the Plaintiff and having certified to the Court that the Defendant was appropriately served with a certified copy of this Court's Order of October 5, 2009, as well as September 4, 2009; the Defendant having failed to appear; it is the ORDER of this Court that a Bench Warrant be and is hereby issued for the Defendant, WESLEY LOVELL.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

**FILED**  
09/10/13 am  
OCT 26 2009

cc Atlys:  
Taladay  
Bowers

5  
William A. Shaw  
Prothonotary/Clerk of Courts

cc def & e  
Po Box 277  
Ramey PA 16671

(54)

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

**CIVIL DIVISION**

**LOUIS JACOBY, JR.**

Plaintiff

**VS.**

**WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION**

Defendant

: No. 2006- 1967- CD

**PETITION TO LIFT CIVIL BENCH  
WARRANT**

Filed on behalf of:

DEFENDANT: Wesley Lovell, d/b/b  
MECCO CONSTRUCTION

Counsel of record for this party:

Warren B. Mikesell, II  
PA I.D. No. 63717

115 East Locust Street  
Clearfield, PA 16830  
(814) 765-6605

FILED  
07/12/2009 300  
NOV 06 2009 Atty Mikesell  
B  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**CIVIL DIVISION**

LOUIS JACOBY, JR. :  
Plaintiff :  
VS. : No. 2006-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION :  
Defendant :  
:

**PETITION TO LIFT CIVIL BENCH WARRANT**

1. By Court Order dated October 23, 2009, this Honorable Court issued a Bench Warrant for your Petitioner for failure to appear for a hearing.
2. At said hearing, Plaintiff's counsel certified that the Defendant had been properly served with the notice of the hearing by Certified Mail being addressed to Wesley Lovell, P.O. Box 277, Ramey, PA 16671.
3. Defendant had moved from that address and his current is 685 Plank Road, Fallen Timber, PA 16639.
4. Defendant has no knowledge of any court documents having been forwarded to his current mailing address, nor of who may have signed for the certified mail aforementioned.
5. That your Petitioner did not intentionally fail to appear for the hearings as set forth by this Honorable Court.
6. That counsel for Petitioner has confirmed via telephone with Plaintiff's counsel, Matthew B. Taladay, Esquire, and has been advised that they are not opposed to this Petition to Lift Civil Bench Warrant as evidenced by Exhibit A and Defendant having paid costs as directed by Court Order dated September 4, 2009.

7. That counsel for Plaintiff has agreed to forward a copy of the Interrogatories to counsel for Petitioner which will be promptly completed and returned.

WHEREFORE, Petitioner requests that your Honorable Court grant this Petitioner and lift the Civil Bench Warrant previously issued.



---

WARREN B. MIKESELL, II, ESQUIRE  
Attorney for Defendant

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA****CIVIL DIVISION****LOUIS JACOBY, JR.**

Plaintiff

: : : : : No. 2006-1967-CD

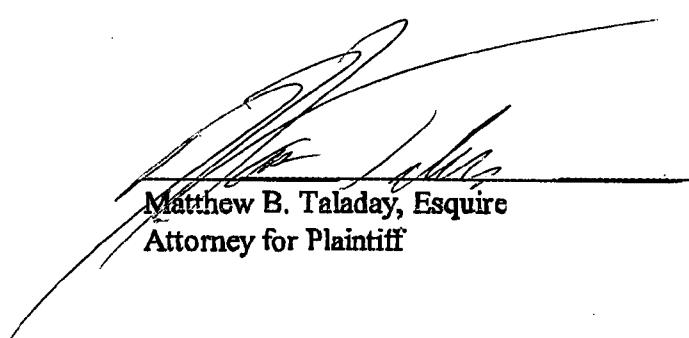
VS.

**WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION**

Defendant

**CONSENT**

I, Matthew B. Taladay, Esquire, having reviewed the Petition to Lift Civil Bench Warrant prepared by counsel for Defendant do hereby agree and consent to the lifting of the said bench warrant.

  
Matthew B. Taladay, Esquire  
Attorney for Plaintiff**"EXHIBIT A"**

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

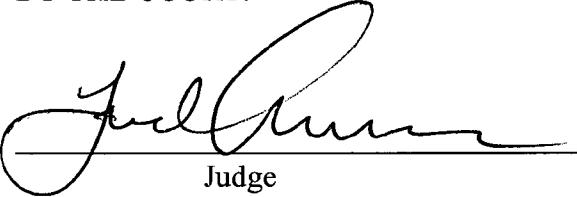
**CIVIL DIVISION**

LOUIS JACOBY, JR. :  
Plaintiff :  
: :  
: : No. 2006-1967-CD  
VS. :  
: :  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION :  
Defendant :  
:

**ORDER**

AND NOW, this 9 day of Nov, 2009, upon  
consideration of the attached Petition the Bench Warrant previously issued is hereby lifted.

BY THE COURT:

  
\_\_\_\_\_  
Judge

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014-00701-Art  
NOV 10 2009 Mikesell  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6W)

**FILED**

NOV 10 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/10/09

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

LOUIS JACOBY, JR.,  
Plaintiff

vs.

WESLEY LOVELL, d/b/a  
MECCO CONSTRUCTION,  
Defendant

: CIVIL ACTION - LAW  
: No. 06-1967-CD  
:  
: Type of Pleading:  
: Certificate Prerequisite to  
: Service of Subpoena  
:  
: Filed on behalf of:  
:  
: Plaintiff  
:  
: Counsel of Record for This Party:  
:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P. O. Box 487  
: DuBois, PA 15801  
:  
: 814-371-7768

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BAC APR 29 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

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

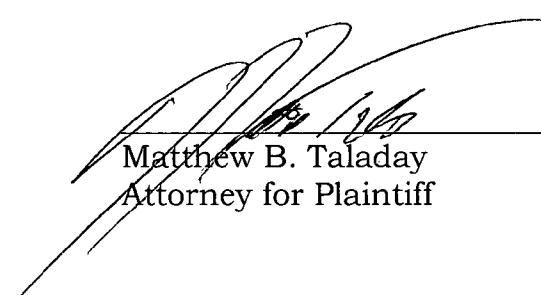
LOUIS JACOBY, JR., :  
Plaintiff :  
:  
vs. : No. 06-1967-CD  
:  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
:

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA  
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoena for the production of documents and things pursuant to Rule 4009.22, Plaintiffs certify that

1. A notice of intent to serve subpoena with a copy of subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the notice, including the proposed subpoena, is attached to this certificate;
3. No objection to the subpoena has been received; and
4. The subpoena which will be served is identical to the one attached to the notice of intent to serve the subpoena.

Dated: April 28, 2010

  
Matthew B. Taladay  
Attorney for Plaintiff

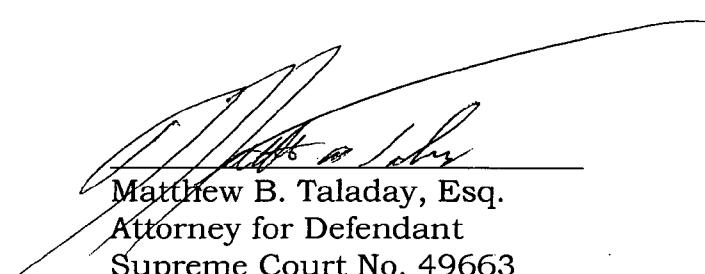
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

LOUIS JACOBY, JR., :  
Plaintiff :  
vs. : No. 06-1967-CD  
WESLEY LOVELL, d/b/a :  
MECCO CONSTRUCTION, :  
Defendant :  
.

**NOTICE OF INTENT TO SERVE SUBPOENA  
TO PRODUCE DOCUMENTS AND THINGS  
FOR DISCOVERY PURSUANT TO RULE 4009.21**

Plaintiff, Louis Jacoby, Jr., intends to serve a subpoena identical to the one attached to this notice. You have twenty (20) days from the date listed below to file of record and serve upon the undersigned objections to the subpoenas. If no objections are made, the subpoena may be served.

Date: 3-26-10

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

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Erie Insurance

\*

Louis Jacoby Jr.

Plaintiff(s)

Vs.

\*

No. 2006-01967-CD

Mecco Construction

\*

Wesley Lovell

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: First Commonwealth Bank, 601 Philadelphia St., Indiana, PA 15701  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

All monthly statements from January 1, 2009 to present regarding the following accounts of Wesley Lovell, SSN 200-64-7744: Business Ckg. Acc't. No. 7110241864; Savings Acc't. No. 7120114583; Personal Ckg. Acc't. No. 7110241813.

(Address)

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

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Matthew B. Taladay, Esq.

ADDRESS: 528 Liberty Blvd. PO Box 487  
DuBois, PA 15801

TELEPHONE: (814) 371-7768

SUPREME COURT ID # 49663

ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

William A. Shaw  
Deputy

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan, 2014  
Clearfield Co., Clearfield, PA

DATE: Wednesday, March 10, 2010

Seal of the Court

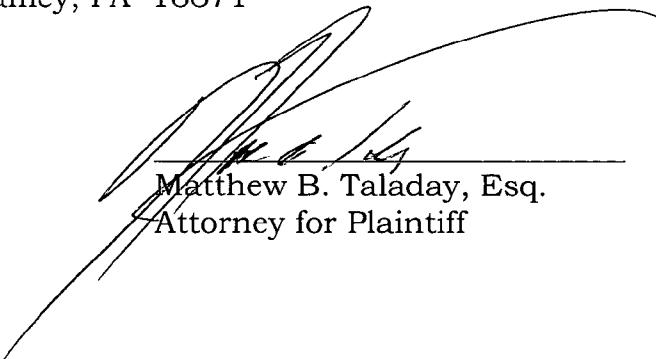
IN THE COURT OF COMMON PLEAS  
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LOUIS JACOBY, JR.,	:	
Plaintiff	:	
	:	
vs.	:	No. 06-1967-CD
	:	
WESLEY LOVELL, d/b/a	:	
MECCO CONSTRUCTION,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of April, 2010, a true and correct copy of the foregoing Certificate Prerequisite to Service of Subpoena was forwarded via First Class U.S. Mail, postage prepaid, to:

Wesley Lovell  
Mecco Construction  
P.O. Box 277  
Ramey, PA 16671

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiff