06-2029-CD
A. Pisarcik al vs Laurel of DuBois

Anita Pisarcik et al vs Laurel of DuBois et
2006-2029-CD

Current Judge: Fredric Joseph Ammerman

Anita K. Pisarcik, David A. Pisarcik vs. Laurel of DuBois, Modal, Inc.

Civil Other

Date		Judge
12/4/2006	New Case Filed.	No Judge
	Filing: Praecipe for Writ of Summons Paid by: Cherry, Paula M. (attorney for Pisarcik, Anita K.) Receipt number: 1916676 Dated: 12/04/2006 Amount: $85.00 (Check) 1CC and 2 writs to Shff.	No Judge
12/21/2006	Praecipe for Appearance, filed. Kindly enter the Apperance of the undersigned, Gina M. Zumpella Esquire and Thomas E. Zumpella Esquire of the law firm of Walsh, Collis & Blackmer P.C. on behalf of Defendant, Modal Inc., in the above case, filed by s/ Gina M. Zumpella Esq. 1CC Atty.	No Judge
	Praecipe for Rule to File Complaint, filed by s/ Gina M. Zumpella Esq. 1CC & 1 rule to atty.	No Judge
1/12/2007	Proof of Service of Rule to File Complaint, filed. A Rule to File Complaint in Connection with the above-captioned matter was served on Toni M. Cherry Esq., filed by s/ GIna M. Zumpella Esq. No CC.	No Judge
1/24/2007	Complaint, filed by s/ Toni M. Cherry, Esquire. 3CC Atty. T. Cherry	No Judge
1/29/2007	Certificate of Service, filed. A certified copy of the Complaint filed by Plaintiffs was served upon Thomas E. Zumpella Esq., counsel for defendants, filed by s/ Toni M. Cherry Esq. No CC.	No Judge
1/31/2007	Certificate of Service, filed. That on this 30th day of January 2007, certified copy of the Complaint filed by plaintiffs was served upon Defendant, Laurel of DuBois, filed by s/ Toni M. Cherry, Jduge. No CC.	No Judge
2/1/2007	Notice of Service of Interrogatories and Request for Production of Documents directed to Plaintiffs was served upon counsel, Toni M. Cherry Esq., on this 29th day of January 2007, filed by s/ Gina M. Zumpella Esq. NO CC.	No Judge
	Notice of Service of Interrogatories and Request for Production of Documents Directed to Co-Defendant Laurel Of BuBois was served upon co-defendant on this 29th day of January 2007, filed by s/ Gina M. Zumpella Esq. NO CC.	No Judge
2/5/2007	Praecipe For Entry of Appearance, filed. Kindly enter the Appearance of the undersigned, Gina M. Zumpella Esquire and Thomas E. Zumpella Esqiure, of the law firm of Walsh Collis & Blackmer P.C. on behalf of the defendant, Laurel of DuBois, filed by s/ Gina M. Zumpella Esq. No CC.	No Judge
2/21/2007	Answer and New Matter filed by s/ Gina M. Zumpella, Esquire. No CC	No Judge
3/8/2007	Sheriff Return, December 7, 2006, Sheriff of Westmoreland County was deputized. December 13, 2006 at 11:34 am Served the within Summons on Laurel of DuBois. December 13, 2006 at 11:34 am Served the within Summons on Modal Inc. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gleason $41.00 Westmoreland Co. costs pd by Gleason $73.40	No Judge
6/1/2007	Motion To Compel, filed by s/ Gina M. Zumpella, Esquire. 1CC Atty.	No Judge
6/5/2007	Scheduling Order, this 4th day of June, 2007, it is Ordered that argument is scheduled for Defendants Laurel of Dubois and Modal, Inc.'s Motion to Compel on Friday June 29, 2007 @ 11:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Zumpella	Fredric Joseph Ammerman

MEDICATION: $131/Month

MEDICAL BILLS: $60/Month

REAL ESTATE:

TAXES: $

INSURANCE:

FIRE: $ /Annually

LIFE: $ /Month

HEALTH: $

AUTO: $35/Month

PAYMENTS:

CREDIT CARDS

NONE

PROPERTY:

CHECKING ACCOUNTS:

REAL PROPERTY:

Coalport Borough, Clearfield County, Pennsylvania
Clearfield County Instrument #199914981
Appraised Value - $31,000.00
Title held by jointly

Beccaria Township, Clearfield County, Pennsylvania
Deed Book 1206 Page 145
Appraised Value - $5,300.00
Title held jointly

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-02029-CD

Current Judge: Fredric Joseph Ammerman

Anita K. Pisarcik, David A. Pisarcik vs. Laurel of DuBois, Modal, Inc.

Civil Other

Date		Judge
6/18/2007	Proof of Service, filed. Scheduling Order for Arugument Date of Defendant's Motion to Compel in connection with the above-captioned matter was served on Toni M. Cherry, Esq., filed by s/ Gina M. Zumpella Esq. 1CC Atty.	Fredric Joseph Ammerman

Coalport Borough, Clearfield County, Pennsylvania
Deed Book 1627 Page 261
Assessed Value - $100.00
Title held jointly

IRA AND PENSIONS:

NONE

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-02029-CD

Current Judge: Fredric Joseph Ammerman

Anita K. Pisarcik, David A. Pisarcikvs.Laurel of DuBois, Modal, Inc.

Civil Other-COUNT

Date	Selected Items	Judge
6/27/2007	Certificate of Service, filed. That on this 26th day of June 2007, an original of Plaintiffs' Answers to Interrogatories were sent to Gina M. Zumpella Esq., counsel for Defendant, Modal Inc., filed by s/ Toni M. Cherry Esq. No CC.	Fredric Joseph Ammerman
	Certificate of Service, filed. That on this 26th day of June 2007, an original of Plaintiffs' Responses to Request for Production of Documents were sent to Gina M. Zumpella Esq., counsel for Defendant, Modal Inc, filed by s/ Toni M. Cherry Esq. No CC.	Fredric Joseph Ammerman
6/29/2007	Motion to Withdraw, filed by s/ Gina M. Zumpella, Esquire. 1CC Atty.	Fredric Joseph Ammerman
10/26/2007	Motion to Compel, filed by Attorney Zumpella One CC Attorney	Fredric Joseph Ammerman
	Order, this 26th day of Oct., 2007, it is Ordered that the Plaintiffs are to provide signed authorizations or the following records within 20 days ot the date of this Order: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC atty. Zumpella	Fredric Joseph Ammerman
11/8/2007	Proof of Service, filed. An Order of Court on Defendants' Motion to Compel in connection with the above-captioned matter was served on Toni M. Cherry Esq., via certified mail, filed by s/ Gina M. Zumpella Esq. NO CC.	Fredric Joseph Ammerman
12/19/2007	Notice of Service, filed. That the original of Defendants' First Supplemental Interrogatories and Request for Production of Documents Directed to the Plaintiff's was served upon Toni M. Cherry Esq., by first class mail on the 17th day of December 2007, filed by s/ Gina M. Zumpella Esq. No CC.	Fredric Joseph Ammerman
5/12/2008	Motion to Compel, filed by s/ Gina M. Zumpella Esq. 1CC Atty Zumpella.	Fredric Joseph Ammerman
5/14/2008	Scheduling Order, this 14th day of May, 2008, it is Ordered that argument is scheduled for Defendants Motion to Compel is hereby rescheduled from June 3, 2008 @ 1:30 p.m. to June 12, 2008 at 9:45 a.m. in Courtroom 1. by The court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Zumpella	Fredric Joseph Ammerman

5-23-08 Order, dated 5/23/08 (def's Motion to Compel)

Tuesday thru Friday, June 3 thru 6, 2008 9:00 A.M.

Brian Man-chester, Esq.	*BOBBI JO MORGAN 878 Magee Road Patton, PA 16668	No. 07-1046-CRA Cpl. Meko William Shaw, Jr., Esq., District Attorney	Homicide by Vehicle While Driving Under Influence (2cts); Aggravated Assault by Vehicle While Driving Under the Influence (2cts); Homicide by Vehicle (2cts); Driving Under the Influence of A Drug or Combination of Drugs; Involuntary Manslaughter (2cts); Driving on Roadways Laned for Traffic; Careless Driving Resulting in Death; Reckless Driving; Fail to use Safety Belt System

*Confined at Clearfield County Jail or SCI-Houtzdale

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK, Plaintiffs	No. 2006 - 2029 C.D.
	Type of Case: CIVIL
vs.	Type of Pleading: PRAECIPE FOR WRIT OF SUMMONS
LAUREL OF DUBOIS and MODAL INC., Defendants	Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	Counsel of Record for these Parties:
	TONI M. CHERRY, ESQ. Supreme Court No.: 30205
	GLEASON, CHERRY AND CHERRY, L.L.P. Attorneys at Law P. O. Box 505 One North Franklin Street DuBois, PA 15801
	(814) 371-5800

FILED 1cc Atty
013:59/BK 1cc and
DEC 04 2006 2 writs to Sheriff
(m)
William A. Shaw Atty pd. 85.00
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - _____C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please enter our appearance on behalf of Plaintiffs, ANITA K. PISARCIK and DAVID A. PISARCIK, and issue a Writ of Summons in the above-captioned action against Defendants, LAUREL OF DUBOIS and MODAL INC., whose address is 757 Lloyd Avenue, Latrobe, PA 15650.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By_____

Attorneys for Plaintiffs
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: December 4, 2006

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

SUMMONS

Anita K. Pisarcik
David A. Pisarcik

Vs. **NO.: 2006-02029-CD**

Laurel of DuBois and Modal, Inc.

TO: LAUREL OF DUBOIS and MODAL, INC.

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 12/04/2006

William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801
(814) 371-5800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR APPEARANCE
(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR APPEARANCE

TO: THE PROTHONOTARY

Kindly enter the Appearance of the undersigned, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, of the law firm of Walsh, Collis & Blackmer, P.C., on behalf of the Defendant, Modal, Inc., in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 19th day of December, 2006.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR RULE TO FILE COMPLAINT
(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

FILED 1CC & 1 Rule to Atty
m/1:01/2d
DEC 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: THE PROTHONOTARY

Kindly rule the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, to file a Complaint in Civil Action within twenty (20) days from the date on the Rule.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Rule to File Complaint** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 19th day of December, 2006.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

COPY

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

Anita K. Pisarcik
David A. Pisarcik

Vs.
Laurel of DuBois and
Modal, Inc.

Case No. 2006-02029-CD

RULE TO FILE COMPLAINT

TO: Anita K. Pisarcik and David A. Pisarcik

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

William A. Shaw, Prothonotary

Dated: December 21, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF RULE TO FILE COMPLAINT
(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF RULE TO FILE COMPLAINT

AND NOW, comes the Defendant, Modal, Inc., by and through its attorneys, Walsh, Collis & Blackmer, P.C., Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and files the following Proof of Service of Rule to File Complaint and avers as follows:

1. A Rule to File Complaint in connection with the above-captioned matter was served on Toni M. Cherry, Esquire, via Certified Mail, return receipt requested.

2. Attached hereto and marked as Exhibit "A" is a copy of the original Return of Service.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

UNITED STATES POSTAL SERVICE

JOHNSTOWN PA 159

05 JAN 2007 PM 2 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Walsh, Collis & Blackmer, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

TEZ-664

PENGAD 800-631-6989

EXHIBIT

A

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Rule to File Complaint** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 10th day of January, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	: No. 2006 - 2029 C.D.
Plaintiffs	: Type of Case: CIVIL ACTION
vs.	: Type of Pleading: COMPLAINT
LAUREL OF DUBOIS and MODAL INC.,	:
Defendants	: Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	: Counsel of Record for these Parties:
	: TONI M. CHERRY, ESQ. : Supreme Court No.: 30205
	: GLEASON, CHERRY AND CHERRY, L.L.P. : Attorneys at Law : P. O. Box 505 : One North Franklin Street : DuBois, PA 15801
	: (814) 371-5800

FILED 3cc
01 3:30 PM Atty T. Cherry
JAN 24 2007
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

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 Notice and Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims 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, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 88-89

GLEASON, CHERRY AND CHERRY, L.L.P.

By: _____
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

COMPLAINT

AND NOW, come ANITA K. PISARCIK and DAVID A. PISARCIK, her husband, Plaintiffs, by their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this action against LAUREL OF DUBOIS and MODAL, INC., Defendants, to recover damages upon causes of action whereof the following are statements:

COUNT I - ANITA K. PISARCIK, Wife Plaintiff vs. LAUREL OF DUBOIS and MODAL, INC., Defendants

1. Plaintiffs, ANITA K. PISARCIK and DAVID A. PISARCIK, are adult individuals, wife and husband, who reside with each other in Treasure Lake, Sandy Township, Pennsylvania, with an address at 1189 Treasure Lake, DuBois, Pennsylvania 15801.

2. The Defendant, LAUREL OF DUBOIS, is a Pennsylvania Limited Partnership whose address is 757 Lloyd Avenue, Latrobe, Pennsylvania 15650.

3. The Defendant, MODAL INC., is a Pennsylvania Corporation whose address is 757 Lloyd Avenue, Latrobe, Pennsylvania 15650.

4. At all times mentioned herein, Defendants were trading and doing business as DuBois Mall at the northerly side of Shaffer Avenue, in the Township of Sandy and having a business address as Shaffer Avenue, DuBois, Pennsylvania 15801.

5. A all times mentioned herein, Defendants were in exclusive possession, management and control of the Mall buildings and the roadways and parking lots surrounding the Mall premises, individually and through their agents and employees who were acting within the course and scope of their employment by Defendants and in furtherance of Defendants' business.

6. On or about 1:30 p.m. on December 8, 2004, Wife Plaintiff was a business visitor to the DuBois Mall with the intention of entering the Mall at the J.C. Penney entrance at the side of the Mall nearest to the customer service area of the J.C. Penney store and the beauty salon, and as she crossed the roadway within the crosswalk area on her way to the sidewalk immediately in front of the entrance, there existed an accumulation of antiskid which caused Wife Plaintiff to slip, stumble, and fall, resulting in serious and permanent injuries as set forth below.

7. The accident was caused exclusively and solely by the Defendants' negligence, carelessness and recklessness in that:

(a) Defendants caused or permitted antiskid to accumulate within the crosswalk area of the roadway at a point where it posed an unreasonable risk of injury to Wife Plaintiff and other business visitors;

(b) Defendants failed to make a reasonable inspection of the crosswalk area of the roadway in the area where it would be used by patrons approaching one of the Mall

entrances which would have revealed the existence of the dangerous condition posed by the accumulation of antiskid;

(c) Defendants failed to give warning of the dangerous condition posed by the accumulation of antiskid, erect barricades, or take any other safety precautions to prevent injury to Wife Plaintiff and other business visitors; and

(d) Defendants failed to remove the accumulated antiskid from the crosswalk area of the roadway and keep the area clear of antiskid.

8. Solely as a result of Defendants' negligence, carelessness and recklessness, Wife Plaintiff sustained cuts to her left knee; fractured ribs; a cut to her left eyelid; and trauma to her brow bone and left eye resulting in damage to her vision.

9. By reason of said injuries, Wife Plaintiff was rendered sick, sore, lame, and prostrate and disordered for which she is still receiving treatment and for which she may continue to receive treatment for some time in the future.

10. As a result of said injuries, Plaintiff, ANITA K. PISARCIK, has suffered, and will continue to suffer an impairment of earning capacity and an inability to lead a normal social life.

11. As a result of said injuries, Plaintiff, ANITA K. PISARCIK, has suffered and will continue to suffer physical anguish and pain and suffering and inconvenience in the future.

12. As a result of said injuries, Plaintiff, ANITA K. PISARCIK, has suffered shock to the nerves and nervous system and has suffered mental anguish and emotional distress and will continue to so suffer for an indefinite time in the future.

13. As a result of said injuries, the said Plaintiff, ANITA K. PISARCIK, has been and will be deprived in the future of the ordinary pleasures of life.

14. As a result of said accident and the negligence, carelessness and/or recklessness of the Defendants, the Plaintiff, ANITA K. PISARCIK, has suffered serious injuries and scarring which is permanent in nature.

WHEREFORE, Plaintiff, ANITA K. PISARCIK, claims damages against the Defendants, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00), together with delay damages and costs of suit.

COUNT II - DAVID A. PISARCIK, Husband Plaintiff vs. LAUREL OF DUBOIS and MODAL, INC., Defendants

15. The Plaintiff, DAVID A. PISARCIK, avers that he is the husband of ANITA K. PISARCIK, Wife Plaintiff.

16. Plaintiff, DAVID A. PISARCIK, incorporates herein by reference the averments contained in Paragraphs 1 through 14 inclusive of COUNT I of this Complaint as if the same had been set forth at length herein.

17. As a result of the negligence, carelessness and/or recklessness of the Defendants, as hereinbefore alleged, DAVID A. PISARCIK, as husband of the said ANITA K. PISARCIK, has been and may and probably will in the future be, obliged to expend large and various sums of money for medicine and medical attention in and about endeavoring to treat and cure his said wife of her injuries.

18. By reason of the aforesaid, DAVID A. PISARCIK has been, and may and probably will in the future be, deprived of the assistance and society of his said wife, all of which has been and probably will be to his great financial damage and loss.

19. By reason of the aforesaid, DAVID A. PISARCIK has suffered various out-of-pocket losses for damaged personal property and for expenses necessitated by his wife's injuries, to his damage and loss.

WHEREFORE, Plaintiff, DAVID A. PISARCIK, claims damages from the Defendants, LAUREL OF DUBOIS and MODAL, INC., in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00), together with delay damages and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By: _____
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, ANITA K. PISARCIK, who, being duly sworn according to law, deposes and says that she is one of the Plaintiffs named herein; that she is authorized to make this Affidavit on behalf of both Plaintiffs; and that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Anita K. Pisarcik

Anita K. Pisarcik

Sworn to and subscribed before me this 24th day of January, 2007.

Paula M. Cherry

Commonwealth of Pennsylvania
NOTARIAL SEAL
PAULA M. CHERRY, Notary Public
City of Dubois, County of Clearfield
My Commission Expires Sept. 16, 2009

FILED NO CC
JAN 29 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK, Plaintiffs	:	No. 2006 - 2029 C.D.
vs.	:	
LAUREL OF DUBOIS and MODAL INC., Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2007, a certified copy of the Complaint filed by Plaintiffs was served upon THOMAS E. ZUMPELLA, ESQ., counsel for Defendants, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

THOMAS E. ZUMPELLA, ESQ.
Walsh, Collis & Blackmer, P.C.
Attorneys at Law
The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, PA 15219

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorney for Plaintiffs

Dated: January 24, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	: No. 2006 - 2029 C.D.
Plaintiffs	: Type of Case: CIVIL ACTION
vs.	: Type of Pleading: CERTIFICATE OF SERVICE
LAUREL OF DUBOIS and MODAL INC., Defendants	: Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	: Counsel of Record for these Parties:
	: TONI M. CHERRY, ESQ. Supreme Court No.: 30205
	: GLEASON, CHERRY AND CHERRY, L.L.P. Attorneys at Law P. O. Box 505 One North Franklin Street DuBois, PA 15801
	: (814) 371-5800

FILED No cc
012:07/01
JAN 31 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2007, a certified copy of the Complaint filed by Plaintiffs was served upon Defendant, LAUREL OF DUBOIS, by mailing the same to it by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

LAUREL OF DUBOIS
757 Lloyd Avenue
Latrobe, PA 15650

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorney for Plaintiffs

Dated: January 30, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS

Filed on Behalf of the Defendant:

Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE

TO: PROTHONOTARY

I hereby certify that the original Interrogatories and Request for Production of Documents Directed to Plaintiffs was served upon counsel, Toni M. Cherry, Esquire, by mailing the same via first class mail, postage pre-paid, this 29th day of January, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Service of Interrogatories and Request for Production of Documents Directed to Plaintiffs** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 29th day of January, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801
(Counsel for Plaintiffs)

Laurel of DuBois
757 Lloyd Avenue
Latrobe, PA 15650

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO CO-DEFENDANT LAUREL OF DUBOIS

Filed on Behalf of the Defendant:

Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE

TO: PROTHONOTARY

I hereby certify that the original Interrogatories and Request for Production of Documents Directed to Defendant, Laurel of DuBois was served upon Co-Defendant by mailing the same via first class mail, postage pre-paid, this 29th day of January, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Service of Interrogatories and Request for Production of Documents Directed to Co-Defendant, Laurel of DuBois** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 29th day of January, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801
(Counsel for Plaintiffs)

Laurel of DuBois
757 Lloyd Avenue
Latrobe, PA 15650

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR APPEARANCE
(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Laurel of DuBois

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE FOR APPEARANCE

TO: THE PROTHONOTARY

Kindly enter the Appearance of the undersigned, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, of the law firm of Walsh, Collis & Blackmer, P.C., on behalf of the Defendant, Laurel of DuBois, in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants,
Laurel of DuBois and Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe for Appearance** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 1st day of February, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants,
Laurel of DuBois and Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ANSWER AND NEW MATTER

Filed on Behalf of the Defendants:

Laurel of DuBois and Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

TO: PLAINTIFFS

You are hereby notified to file a written response to the within Answer and New Matter within twenty (20) days of the date of service hereof or a judgment may be entered against you.

Walsh, Collis & Blackmer, P.C.

#664

FILED
12:38 pm NO CC
FEB 21 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ANSWER

AND NOW, come the Defendants, Laurel of DuBois and Modal, Inc., by and through their attorneys, Walsh, Collis & Blackmer, P.C., Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and file the following Answer and New Matter and avers as follows:

COUNT I – ANITA K. PISARCIK, Wife Plaintiff vs. LAUREL OF DUBOIS and MODAL, INC., Defendants

1. Paragraph 1 of the Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent a response is deemed necessary, said allegation is denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, these Defendants have insufficient knowledge as to the truth or falsity of said allegation and therefore said allegation is denied with strict proof thereof demanded at the time of trial. By way of further answer, these Defendants herein refer to and incorporate their hereinafter set forth responses and New Matter.

2. Paragraph 1 of the Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent a response is deemed necessary, said allegation is

denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, these Defendants have insufficient knowledge as to the truth or falsity of said allegation and therefore said allegation is denied with strict proof thereof demanded at the time of trial. By way of further answer, these Defendants herein refer to and incorporate their hereinafter set forth responses and New Matter.

3. Paragraph 3 of the Plaintiffs' Complaint states a legal conclusion to which no response is required. To the extent a response is deemed necessary, said allegation is admitted.

4. Paragraph 4 of the Plaintiffs' Complaint states a legal conclusion to which no response is required, to the extent a response is deemed necessary, said allegation is admitted in part and denied in part. It is admitted that Defendant Laurel of DuBois, PA owns and operates the DuBois Mall and that the mall has an address of Shafer Avenue, DuBois, PA 15801. It is specifically denied that Defendant Modal, Inc. trades and does business as or owns and operates DuBois Mall. By way of further answer, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses and New Matter.

5. Paragraph 5 of the Plaintiffs' Complaint states a legal conclusion to which no response is required, to the extent a response is deemed necessary, said allegation is denied as stated. To the contrary and in response thereto, Laurel of DuBois maintained the common areas of the shopping center, including the sidewalks and parking lot. It is admitted that any agents or employees of the Defendant were acting in the course and scope of their employment. Defendant Modal was not responsible for maintaining any areas at the shopping center. By way of further answer, these Defendants herein refer to

and incorporate their previously set forth responses, hereinafter set forth responses and New Matter.

6-14. Paragraphs 6 through 14 of the Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent responses are deemed necessary, said allegations are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, these Defendants have insufficient knowledge as to the truth or falsity of said allegations and therefore said allegations are denied with strict proof thereof demanded at the time of trial. By way of further answer, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses and New Matter.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

COUNT II – DAVID A. PISARCIK, Husband Plaintiff vs. LAUREL OF DUBOIS and MODAL, INC., Defendants

15. Paragraph 15 of the Plaintiffs' Complaint requires no response. To the extent that a response is deemed necessary, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses and New Matter.

16-19. Paragraphs 16 through 19 of the Plaintiffs' Complaint state legal conclusions to which no responses are required. To the extent responses are deemed necessary, said allegations are denied pursuant to Pa.R.C.P. 1029(c) and 1029(e). After reasonable investigation, these Defendants have insufficient knowledge as to the truth or

falsity of said allegations and therefore said allegations are denied with strict proof thereof demanded at the time of trial. By way of further answer, these Defendants herein refer to and incorporate their previously set forth responses, hereinafter set forth responses and New Matter.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

NEW MATTER

20. Paragraphs 1 through 19 are herein referred to and incorporated as if set forth fully at length.

21. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants aver that Plaintiffs' cause of action and/or right of recovery is barred and/or modified by the doctrine of assumption of the risk as applied in the Commonwealth of Pennsylvania.

22. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, any injuries and/or damages alleged by the Plaintiffs were the result of superseding, intervening, and/or independent causes over which these Defendants had no control and in no way participated.

23. To the extent justified by the evidence developed in discovery and/or the testimony at the time of trial, these Defendants aver that any injuries/damages sustained by the Plaintiff-Wife were the result of her own contributory negligence and that Plaintiffs' claim is therefore barred by the Comparative Negligence Act or, in the alternative, any

recovery by Plaintiffs must be reduced by the extent of Plaintiff-Wife's contributory negligence.

24. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants raise all affirmative defenses set forth in Pa.R.C.P. 1030 to the Plaintiffs' claims, including the legal doctrines of payment, accord and satisfaction, release, waiver, estoppel, and the statute of limitations.

25. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants aver they are entitled to a set-off reduction of the Plaintiffs' claim for reimbursement of medical expenses in an amount reflecting payment of any and all Med Pay benefits paid by these Defendants on behalf of the Plaintiff-Wife.

26. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants aver that Plaintiffs may not recover any medical expense reimbursements in excess of amounts accepted as full payment in satisfaction by medical providers pursuant to Moorhead v. Crozer Medical Center.

27. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants aver the injuries and damages alleged by Plaintiff-Wife was the result of a pre-existing condition unrelated to this accident and/or occurrence.

28. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants aver Plaintiff-Wife failed to mitigate her damages by ignoring the advice of medical providers.

29. To the extent justified by the evidence developed by discovery and/or testimony at the time of trial, these Defendants reserve the right to assert any and all other affirmative defenses which discovery may reveal appropriate and/or proper.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., deny that they are liable to the Plaintiffs in the sum demanded or for any sum whatsoever and therefore, requests this Honorable Court to enter judgment in their favor and against the Plaintiffs with costs and prejudice imposed.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants,
Laurel of DuBois and Modal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Answer and New Matter** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 20th day of February, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants,
Laurel of DuBois and Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102217
NO: 06-2029-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: ANITA K. PISARCIK & DAVID A. PISARCIK
vs.
DEFENDANT: LAUREL OF DUBOIS AND MODAL, INC.

SHERIFF RETURN

NOW, December 07, 2006, SHERIFF OF WESTMORELAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON LAUREL OF DUBOIS.

NOW, December 13, 2006 AT 11:34 AM SERVED THE WITHIN SUMMONS ON LAUREL OF DUBOIS, DEFENDANT. THE RETURN OF WESTMORELAND COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

FILED
01:13:30 PM
MAR 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102217
NO: 06-2029-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: ANITA K. PISARCIK & DAVID A. PISARCIK
vs.
DEFENDANT: LAUREL OF DUBOIS AND MODAL, INC.

SHERIFF RETURN

NOW, December 07, 2006, SHERIFF OF WESTMORELAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON MODAL INC..

NOW, December 13, 2006 AT 11:34 AM SERVED THE WITHIN SUMMONS ON MODAL INC., DEFENDANT. THE RETURN OF WESTMORELAND COUNTY IS HERETO **ATTACHED** AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102217
NO: 06-2029-CD
SERVICES 2
SUMMONS

PLAINTIFF: ANITA K. PISARCIK & DAVID A. PISARCIK
vs.
DEFENDANT: LAUREL OF DUBOIS AND MODAL, INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GLEASON	11584	20.00
SHERIFF HAWKINS	GLEASON	11584	21.00
WETMORLAND CO.	GLEASON	11585	73.40

Sworn to Before Me This

_____ Day of _____ 2007

_____

So Answers,

Chester A. Hawkins
by Marilyn Hamr

Chester A. Hawkins
Sheriff

CHRIS SCHERER, SHERIFF OF WESTMORELAND COUNTY
2 NORTH MAIN STREET
GREENSBURG, PA 15601
(724) 830-3457 Fax (724) 830-3660

SCAN

SCAN

DATE: 12-12-06

PG

LAST DAY TO SERVE: 1-3-07

CASE# 06-2029-CD Clearfield Co

- [ ] NOTICE/COMPLAINT
- [ ] SUMMONS
- [ ] REVIVAL OR SCI FA
- [ ] SEIZURE OR POSSESSION
- [ ] INTERROGATORIES
- [ ] EXECUTION, GARNISHEE
- [ ] HANDBILL
- [ ] NOTICE SALE/DEBTORS RIGHT
- [ ] OTHER
- [ ] LETTER MAILED

PLAINTIFF: Anita K Pisarcik, et al
VS.
DEFT(S): Laurel of Dubois and Modal, Inc

SERVE: ① Laurel of Dubois + ② Modal Inc.
(DEFT(S)/GARNISHEE)

ADDRESS: 757 Lloyd Ave
Latrobe PA 15650

ATTY: Toni M. Cherry
ADDRESS: P.O. Box 505
Dubois PA 15801
PHONE: 814 371-5800

INDICATE TYPE OF SERVICE

- [ ] PERSON IN CHARGE
- [ ] PERSONAL ONLY
- [ ] DEPUTIZE
- [ ] POST
- [ ] CERTIFIED MAIL
- [ ] SEIZE/STORE
- [ ] OTHER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 13th day of December 2006, at 1134 o'clock A.M./P.M. Address Above/Address Below, County of Westmoreland Pennsylvania I have served in the manner Described below:

- [ ] Defendant(s) personally served
- [ ] Adult in charge of Defendant's residence at time of service (name & relationship)
- 2 [X] Manager/other person authorized to accept James Kollar property mgr
- [ ] Agent or person in charge of Defendant(s) office or usual place of business
- [ ] Other
- [ ] Property Posted

Defendant Not Found because: [ ] Moved [ ] Unknown [ ] No Answer [ ] Vacant [ ] Other

[ ] Attempts made by leaving Sheriff's Card No response

[ ] Certified Mail [ ] 1st Class Mail [ ] Ordinary Mail/Certificate of Mailing

ATTEMPTS / / /

DEPUTY'S REMARKS:

DEPUTY'S SIGNATURE: Sharon

Advanced monies received	West'd Sheriff's Costs	Deputized Cty Costs	TOTAL COSTS RECORDED
$ 125.00	$ 73.40	$	$ 73.40

Refund	Additional Amt Owed
$ 51.60	$

NOW: 20 I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputized the Sheriff of County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # Advance Amt $
Deputized Notary Ck $ SHERIFF

AFFIRMED and subscribed to before me this 15th day of December 20 06

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Rosemary Spangler, Notary Public
City Of Greensburg, Westmoreland County
My Commission Expires Dec. 19, 2009
Member, Pennsylvania Association of Notaries

Rosemary Spangler
Notary Public/Prothonotary

Deputized Sheriff

Chris Scherer
Signature of Sheriff (Westmoreland Co)

Date 12-13-06 BS
Date

Prothonotary (White Copy) Attorney (Canary Copy) Sheriff (Pink Copy)

TO: SHERIFF OF WESTMORELAND COUNTY

No. 06-2029-CD

Re: Pisarcik
Plaintiff

vs.

Laurel of DuBois al
Defendant

LAST DAY TO SERVE: 1-3-07

SERVE: Laurel of DuBois and Modal, Inc

Deft's Address & Phone No.: 757 Lloyd Ave.
LATrobe, PA. 15650

Date _____ $ _____

Notary or D.S. _____

Total _____

Receipt # _____

Atty. Toni M. Cherry

Address PO Box 507
DuBois PA 15801

PHONE 814-371-5800

No.

REPORT OF DEPUTY SHERIFF

HOW SERVED: ( ) PERSONAL ( ) AT RESIDENCE

( ) PLACE OF BUSINESS

DATE & TIME OF SERVICE: _____

HANDED TO: _____

RELATIONSHIP TO DEFENDANT: _____

ADDRESS SERVED: SAME ( )

IF OTHER, PLEASE GIVE ADDRESS HERE: _____

_____

_____

ATTEMPTS

_____

Deputy Sheriff

CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

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

OFFICE (814) 765-2641 EXT. 5986
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

SCAN

SCAN

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102217

TERM & NO. 06-2029-CD

ANITA K. PISARCIK & DAVID A. PISARCIK

SUMMONS

vs.

LAUREL OF DUBOIS AND MODAL, INC.

SERVE BY: 01/03/07

MAKE REFUND PAYABLE TO GLEASON CHERRY & CHERRY LLP

SERVE: LAUREL OF DUBOIS

ADDRESS: 757 LLOYD AVE., LATROBE, PA 15650

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF WESTMORELAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, December 07, 2006.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

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

OFFICE (814) 765-2641 EXT. 5986
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

SCAN SCAN

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102217

TERM & NO. 06-2029-CD

ANITA K. PISARCIK & DAVID A. PISARCIK

SUMMONS

vs.

LAUREL OF DUBOIS AND MODAL, INC.

SERVE BY: 01/03/07

MAKE REFUND PAYABLE TO GLEASON CHERRY & CHERRY LLP

SERVE: MODAL INC.

ADDRESS: 757 LLOYD AVE., LATROBE, PA 15650

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF WESTMORELAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, December 07, 2006.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

AND NOW, come the Defendants, Laurel of DuBois and Modal, Inc., by and through their attorneys, Walsh Collis & Blackmer, PC, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and brings the within Motion to Compel and in support thereof avers as follows:

1. On or about January 29, 2007, these Defendants forwarded to the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, Interrogatories and a Request for Production of Documents.

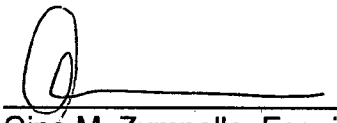
2. To date, Plaintiffs have not responded to these discovery requests.

3. It is necessary for a proper defense of this lawsuit that Plaintiffs file full and complete responses to Defendants' discovery requests.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., respectfully request this Honorable Court enter an Order directing the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, to provide full and complete responses to Defendants' discovery requests within twenty (20) days of the date of this Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: 

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

CERTIFICATE OF CONFERRENCE

I, Gina M. Zumpella, Esquire, verify that I have attempted to confer with counsel for the Plaintiffs, Toni M. Cherry, Esquire, in order to obtain responses to Defendants' Interrogatories and Request for Production of Documents. The original discovery was served on January 29, 2007 and follow-up correspondence was forwarded on March 27, 2007. To date, no response has been received to these requests.

5/30/07
Date

Gina M. Zumpella
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2007, it is hereby ORDERED, ADJUDGED and DECREED that the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, are to file full and complete Responses to the Defendants Laurel of Dubois and Modal, Inc.'s Interrogatories and Request for Production of Documents within twenty (20) days of the date of this Order.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Compel** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 30th day of May, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

SCHEDULING ORDER

AND NOW, to-wit, this 4 day of June, 2007, it is hereby ORDERED, ADJUDGED and DECREED, argument is hereby scheduled for Defendants Laurel of Dubois and Modal, Inc.'s Motion to Compel on Friday 6/29/07 (June) @ 11:00 A.M in Courtroom # 1, CLEARFIELD County Courthouse.

BY THE COURT:

J.

FILED 1cc Atty
JUN 05 2007 12:56/pm Zumpella
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/5/07

X You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF SCHEDULING ORDER OF ARGUMENT DATE
(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

FILED icc Atty
m/11:48am
JUN 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF SCHEDULING ORDER OF ARGUMENT DATE

AND NOW, comes the Defendant, Modal, Inc., by and through its attorneys, Walsh, Collis & Blackmer, P.C., Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and files the following Proof of Service of Scheduling Order of Argument Date and avers as follows:

1. A Scheduling Order for Argument Date on Defendants' Motion to Compel in connection with the above-captioned matter was served on Toni M. Cherry, Esquire, via Certified Mail, return receipt requested. A copy of the correspondence is attached hereto and marked as Exhibit "A".

2. Attached hereto and marked as Exhibit "B" is a copy of the original Return of Service.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Tiffany L. Townsend *
Suzanne R. Hahn
David J. Fisher

Of Counsel:
Anne M. Paul ▪

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

June 7, 2007

Via Certified & First Class Mail

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

In Re: Pisarcik v. Laurel of DuBois and Modal, Inc.
Court No. : 2006-02029-CD (Clearfield County)
Our File No. : 664

Dear Ms. Cherry:

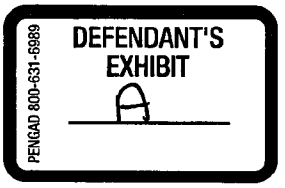
Enclosed please find a copy of the Scheduling Order setting the argument date on Defendants' Motion to Compel for Friday, June 29, 2007 at 11:00 a.m. in Courtroom #1 of the Clearfield County Courthouse.

Thank you.

Sincerely,

Gina M. Zumpella

GMZ/lat
Enclosure



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:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Toni M. Cherry ☐ Agent ☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
Toni M. Cherry 6/12/07

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

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 3110 0003 4329 1869

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PENGAD 800-631-6989

DEFENDANT'S EXHIBIT
B

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Scheduling Order of Argument Date** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 14th day of June, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	: No. 2006 - 2029 C.D.
Plaintiffs	: Type of Case: CIVIL ACTION
vs.	: Type of Pleading: CERTIFICATE OF SERVICE
LAUREL OF DUBOIS and MODAL INC.,	:
Defendants	: Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	: Counsel of Record for these Parties:
	: TONI M. CHERRY, ESQ. : Supreme Court No.: 30205
	: GLEASON, CHERRY AND CHERRY, L.L.P. : Attorneys at Law : P. O. Box 505 : One North Franklin Street : DuBois, PA 15801
	: (814) 371-5800

FILED NO CC
02:26 PM
JUN 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2007, an original of Plaintiffs' Answers to Interrogatories were sent to GINA M. ZUMPELLA, ESQ., counsel for Defendant, MODAL, INC., by mailing the same to her by United States First Class Mail, postage prepaid, by depositing in the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

GINA M. ZUMPELLA, ESQ.
Walsh, Collis & Blackmer, P.C.
Attorneys at Law
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorneys for Plaintiffs

Dated: June 26, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	: No. 2006 - 2029 C.D.
Plaintiffs	: Type of Case: CIVIL ACTION
vs.	: Type of Pleading: CERTIFICATE OF SERVICE
LAUREL OF DUBOIS and MODAL INC.,	
Defendants	: Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	: Counsel of Record for these Parties:
	: TONI M. CHERRY, ESQ. Supreme Court No.: 30205
	: GLEASON, CHERRY AND CHERRY, L.L.P. Attorneys at Law P. O. Box 505 One North Franklin Street DuBois, PA 15801
	: (814) 371-5800

FILED no cc
JUN 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2007, an original of Plaintiffs' Responses to Request for Production of Documents were sent to GINA M. ZUMPELLA, ESQ., counsel for Defendant, MODAL, INC., by mailing the same to her by United States First Class Mail, postage prepaid, by depositing in the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

GINA M. ZUMPELLA, ESQ.
Walsh, Collis & Blackmer, P.C.
Attorneys at Law
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorneys for Plaintiffs

Dated: June 26, 2007

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO WITHDRAW

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

FILED 1cc Atty
m/11:15/01
JUN 29 2007
GR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO WITHDRAW

AND NOW, come the Defendants, Laurel of DuBois and Modal, Inc., by and through their attorneys, Walsh Collis & Blackmer, PC, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and bring the within Motion to Withdraw and in support thereof aver as follows:

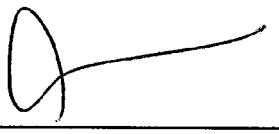
1. On or about May 1, 2007, these Defendants filed a Motion to Compel Plaintiffs, Anita K. Pisarcik and David A. Pisarcik's Answers to Defendants' Interrogatories and a Request for Production of Documents.

2. On or about June 26, 2007, Plaintiffs forwarded to counsel responses to these discovery requests.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., respectfully request this Honorable Court enter an Order withdrawing Defendants' Motion to Compel, argument of which is scheduled for Friday, June 29, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.



By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Withdraw** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 27th day of June, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2007, it is hereby ORDERED, ADJUDGED and DECREED that Defendants Laurel of Dubois and Modal, Inc.'s Motion to Compel is hereby withdrawn and argument on the same scheduled for Friday, June 29, 2007 at 11:00 a.m. is no longer necessary.

BY THE COURT:

_____ J.

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

FILED 1cc
m/11:04 AM Atty
OCT 26 2007 Zumpella

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

AND NOW, come the Defendants, Laurel of DuBois and Modal, Inc., by and through their attorneys, Walsh Collis & Blackmer, PC, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and brings the within Motion to Compel and in support thereof avers as follows:

1. In follow-up to Plaintiffs Anita K. Pisarcik and David A. Pisarcik's responses to Defendant's discovery requests, Defendants forwarded authorizations to Plaintiffs for execution on July 9, 2007. A true and correct copy of which is attached as Exhibit "A".

2. Additional correspondences were sent to Plaintiffs' counsel on July 25, 2007, August 29, 2007 and September 28, 2007. True and correct copies of which are attached as Exhibit "B".

2. To date, Plaintiffs have not responded to these requests.

3. It is necessary for a proper defense of this lawsuit that Plaintiffs execute and return said authorizations or the medical, employment and/or insurance files requested.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., respectfully request this Honorable Court enter an Order directing the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, to provide signed authorizations or the medical, employment and/or insurance files requested within twenty (20) days of the date of this Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

CERTIFICATE OF CONFERRENCE

I, Gina M. Zumpella, Esquire, verify that I have attempted to confer with counsel for the Plaintiffs, Toni M. Cherry, Esquire, in order to obtain signed authorizations or the medical, employment and/or insurance files requested. The initial request was made and authorizations forwarded on July 9, 2007 and follow-up correspondences were forwarded on July 25, 2007, August 29, 2007 and September 28, 2007. To date, no response has been received to these requests.

10/23/07
Date

Gina M. Zumpella
Counsel for Defendants

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Suzanne R. Hahn
David J. Fisher

Of Counsel:
Anne M. Paul ▪

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

July 9, 2007

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

In Re: Pisarcik v. Laurel of DuBois and Modal, Inc.
Court No. : 2006-02029-CD (Clearfield County)
Our File No. : 664

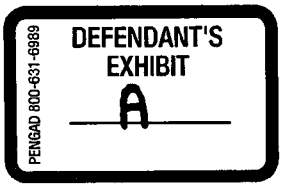
Dear Ms. Cherry:

Upon review of the discovery responses you provided on behalf of Plaintiff-Wife Anita Pisarcik with regard to the above-referenced matter, enclosed please find authorizations for the release of Mrs. Pisarcik's medical records from the following providers:

1. complete medical file from Dr. Fugate;
2. complete medical file from Dr. DeFazio;
3. complete medical file from DuBois Regional Medical Center;
4. complete medical file from Dr. Fabre

Additionally, enclosed also please find authorizations for the release of your client's employment records with Weight Watcher North America Inc. and her health insurance and billing information from Caremark.

Kindly have your client execute all of the enclosed authorizations and return them to me. All records received as a result of these authorizations will be provided to you.



Thank you.

Sincerely,

Gina M. Zumpella

GMZ/djf
Enclosures

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Adam P. Knor
Suzanne R. Hahn
David J. Fisher

Of Counsel:
Anne M. Paul ▪

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

July 25, 2007

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

In Re: Pisarcik v. Laurel of DuBois and Modal, Inc.
Court No. : 2006-02029-CD (Clearfield County)
Our File No. : 664

Dear Ms. Cherry:

On July 9, 2007 I forwarded you authorizations in connection with the above matter. Please return the same to me as soon as possible so that I may gather the Plaintiff-Wife's medical records.

Thank you.

Sincerely,

Gina M. Zumpella

GMZ/lat

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Adam P. Knor
David J. Fisher

Of Counsel:
Anne M. Paul ▪

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

August 29, 2007

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

In Re: Pisarcik v. Laurel of DuBois and Modal, Inc.
Court No. : 2006-02029-CD (Clearfield County)
Our File No. : 664

Dear Ms. Cherry:

On July 9, 2007 I forwarded you authorizations in connection with the above matter and followed-up on the same on July 25, 2007. To date I have received no response. Please return the same to me as soon as possible so that I may gather the Plaintiff-Wife's medical records.

Thank you.

Sincerely,

Gina M. Zumpella

GMZ/lat

Walsh, Collis & Blackmer, P.C.

Paul J. Walsh III +
Pamela V. Collis
Marna K. Blackmer
Adam M. Barnes +

Trisha A. Gill
Steven L. Minnich
Gina M. Zumpella
Natalie A. Troilo *
Thomas E. Zumpella
Adam P. Knor
David J. Fisher

Of Counsel:
Anne M. Paul ▪

The Gulf Tower
Suite 1400
707 Grant Street
Pittsburgh, Pennsylvania 15219

Phone: (412) 258-2255
Facsimile: (412) 263-5632

+ Admitted to Practice in Ohio and West Virginia
* Admitted to Practice in West Virginia
▪ Admitted to Practice in New Jersey

September 28, 2007

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

In Re: Pisarcik v. Laurel of DuBois and Modal, Inc.
Court No. : 2006-02029-CD (Clearfield County)
Our File No. : 664

Dear Ms. Cherry:

On July 9, 2007 I forwarded you authorizations in connection with the above matter and followed-up on the same on July 25, 2007 and August 29, 2007. To date I have received no response. If I do not receive the same within the next twenty (20) days, I will have no choice but to file a Motion to Compel.

Thank you.

Sincerely,

COPY

Gina M. Zumpella

GMZ/lat

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ORDER OF COURT

AND NOW, to-wit, this 26th day of October, 2007, it is hereby ORDERED, ADJUDGED and DECREED that the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, are to provide signed authorizations or the following records within twenty (20) days of the date of this Order:

1. complete medical file from Dr. Fugate;
2. complete medical file from Dr. DeFazio;
3. complete medical file from DuBois Regional Medical Center;
4. complete medical file from Dr. Fabre;
5. employment records with Weight Watcher North America Inc.; and,
6. health insurance and billing information from Caremark.

BY THE COURT:

_____ J.

FILED 1cc
9/4'00 Atty
OCT 26 2007 Zampella
GK
William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/26/07

X You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

SCHEDULING ORDER

AND NOW, to-wit, this ____ day of _____, 2007, it is hereby ORDERED, ADJUDGED and DECREED, argument is hereby scheduled for Defendants Laurel of Dubois and Modal, Inc.'s Motion to Compel on _____

_____

_____.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Compel** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 23rd day of October, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF ORDER OF COURT

(Jury Trial Demanded)

Filed on Behalf of the Defendant,
Modal, Inc.

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PROOF OF SERVICE OF ORDER OF COURT

AND NOW, comes the Defendant, Modal, Inc., by and through its attorneys, Walsh, Collis & Blackmer, P.C., Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and files the following Proof of Service of Order of Court and avers as follows:

1. An Order of Court on Defendants' Motion to Compel in connection with the above-captioned matter was served on Toni M. Cherry, Esquire, via Certified Mail, return receipt requested. A copy of the correspondence is attached hereto and marked as Exhibit "A".

2. Attached hereto and marked as Exhibit "B" is a true and correct copy of the original Return of Service.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

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:

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☑ Addressee

B. Received by (Printed Name) Toni M. Cherry
C. Date of Delivery 11/2/07

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

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7006 3450 0001 4741 5335

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EXHIBIT

tabbies

_____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Proof of Service of Order of Court** has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 6th day of November, 2007.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By_____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendant, Modal, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE OF FIRST SUPPLEMENTAL INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO THE PLAINTIFFS

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

NOTICE OF SERVICE

TO: PROTHONOTARY

I hereby certify that the original of Defendants' First Supplemental Interrogatories and Request for Production of Documents Directed to the Plaintiffs was served upon counsel for Plaintiff, Toni M. Cherry, Esquire, by serving the same via first class mail, postage pre-paid, this 17th day of December, 2007.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Service of First Supplemental Interrogatories and Request for Production of Documents Directed to the Plaintiffs** has been served on counsel of record via first class mail, postage pre-paid, this 17th day of December, 2007.

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

MOTION TO COMPEL

AND NOW, come the Defendants, Laurel of DuBois and Modal, Inc., by and through their attorneys, Walsh Collis & Blackmer, PC, Gina M. Zumpella, Esquire and Thomas E. Zumpella, Esquire, and brings the within Motion to Compel and in support thereof avers as follows:

1. On or about December 17, 2007, these Defendants forwarded to the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, First Supplemental Interrogatories and Request for Production of Documents.

2. To date, Plaintiffs have not responded to these discovery requests.

3. It is necessary for a proper defense of this lawsuit that Plaintiffs file full and complete responses to Defendants' discovery requests.

WHEREFORE, the Defendants, Laurel of DuBois and Modal, Inc., respectfully request this Honorable Court enter an Order directing the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, to provide full and complete responses to Defendants' supplemental discovery requests within twenty (20) days of the date of this Order.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: 

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

CERTIFICATE OF CONFERRENCE

I, Gina M. Zumpella, Esquire, verify that I have attempted to confer with counsel for the Plaintiffs, Toni M. Cherry, Esquire, in order to obtain responses to Defendants' 1st Supplemental Interrogatories and Request for Production of Documents. The supplemental discovery was served on December 17, 2007 and follow-up correspondence was forwarded on March 31, 2008. To date, no response has been received to these requests.

5/8/08
Date

Gina M. Zumpella
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2008, it is hereby ORDERED, ADJUDGED and DECREED that the Plaintiffs, Anita K. Pisarcik and David A. Pisarcik, are to file full and complete responses to Defendants Laurel of Dubois and Modal, Inc.'s 1st Supplemental Interrogatories and Request for Production of Documents within twenty (20) days of the date of this Order.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Compel** has been forwarded to counsel of record via first class mail, postage pre-paid, this ~~1st~~ 5th day of May, 2008.

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

FILED

MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

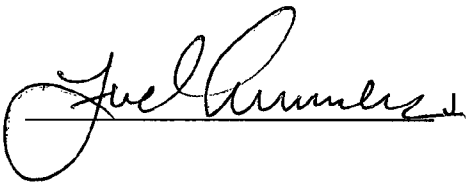
CIVIL DIVISION

Docket No.: 2006-02029-CD

SCHEDULING ORDER

AND NOW, to-wit, this 14 day of May, 2008, it is hereby ORDERED, ADJUDGED and DECREED, argument is hereby scheduled for Defendants Laurel of Dubois and Modal, Inc.'s Motion to Compel on June 3, 2008 @ 1:30 pm in Courtroom #1 Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FILED 1cc
014:00 BPI Atty Zumpella
MAY 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/14/08

X You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special instructions:

iA

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

ANITA K. PISARCIK and DAVID A. PISARCIK	*	
Plaintiffs	*	
vs.	*	**NO. 06-2029-CD**
LAUREL OF DUBOIS and MODAL, INC.,	*	
Defendants	*	

ORDER

NOW, this 23rd day of May, 2008, due to a scheduling conflict, it is the ORDER of this Court that argument on the Defendants' Motion to Compel be and is hereby **rescheduled** from **June 3, 2008 at 1:30 p.m. to June 12, 2008 at 9:45 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED
MAY 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

1cc Attys:
T. Cherry
Zumpella

FILED

MAY 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/23/08

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) __X__ Plaintiff(s) Attorney ____ Other

____ Defendant(s) __X__ Defendant(s) Attorney

____ Special Instructions:

FILED

JUN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June, 2008, an original of Plaintiff's Answers to First Supplemental Interrogatories and Request for Production of Documents was sent to GINA M. ZUMPELLA, ESQ., counsel for Defendants, by mailing the same to her by United States First Class Mail, postage prepaid, by depositing in the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

GINA M. ZUMPELLA, ESQ.
Walsh, Collis & Blackmer, P.C.
Attorneys at Law
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorney for Plaintiffs

Dated: June 9, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

AMENDED NOTICE OF DEPOSITION OF ANITA K. PISARCIK

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

AMENDED NOTICE OF DEPOSITION

TO: Anita K. Pisarcik
c/o Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

PLEASE TAKE NOTICE that the deposition of **Anita K. Pisarick** will be taken for the purpose of Discovery, pursuant to the Pennsylvania Rules of Civil Procedure as Amended, on **Thursday, July 10 2008 at 11:00 a.m.** at the offices of Toni M. Cherry, Esquire, Gleason, Cherry & Cherry, LLP, P.O. Box 505, One North Franklin Street, Dubois, PA 15801, at which time and place you are asked to appear and take part as such shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts, causes and results of the incident in suit, including the whereabouts of witnesses.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____

Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Amended Notice of Deposition of Anita K. Pisarcik** has been forwarded to counsel of record via first class mail, postage pre-paid, this 11th day of June, 2008.

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE TO WITHDRAW MOTION TO COMPEL

Filed on Behalf of the Defendants

Counsel of Record for This Party:

GINA M. ZUMPELLA, ESQUIRE
PA I.D. # 87774

THOMAS E. ZUMPELLA, ESQUIRE
PA I.D. # 93277

WALSH, COLLIS & BLACKMER, P.C.
The Gulf Tower, Suite 1400
707 Grant Street
Pittsburgh, PA 15219

(412) 258-2255

664

FILED
M 10:49 AM
JUN 13 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANITA K. PISARCIK and
DAVID A. PISARCIK,

Plaintiffs,

vs.

LAUREL OF DUBOIS and MODAL, INC.,

Defendants.

CIVIL DIVISION

Docket No.: 2006-02029-CD

PRAECIPE TO WITHDRAW MOTION TO COMPEL

TO: THE PROTHONOTARY

Kindly withdraw Defendants' Motion to Compel.

Respectfully submitted,

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Praecipe to Withdraw Motion to Compel** has been forwarded to counsel of record via first class mail, postage pre-paid, this 11th day of June, 2008.

Toni M. Cherry, Esquire
Gleason, Cherry & Cherry, LLP
P.O. Box 505
One North Franklin Street
Dubois, PA 15801

WALSH, COLLIS & BLACKMER, P.C.

By: _____
Gina M. Zumpella, Esquire
Thomas E. Zumpella, Esquire
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	: No. 2006 - 2029 C.D.
Plaintiffs	: Type of Case: CIVIL
vs.	: Type of Pleading: PRAECIPE
LAUREL OF DUBOIS and MODAL INC., Defendants	: Filed on Behalf of: ANITA K. PISARCIK and DAVID A. PISARCIK, Plaintiffs
	: Counsel of Record for these Parties:
	: TONI M. CHERRY, ESQ. : Supreme Court No.: 30205
	: GLEASON, CHERRY AND CHERRY, L.L.P. : Attorneys at Law : P. O. Box 505 : One North Franklin Street : DuBois, PA 15801
	: (814) 371-5800

FILED
m 19:46 bl
JAN 19 2009
William A. Shaw
Prothonotary/Clerk of Courts

cc @ 1 Cert. of Disc. to Atty T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ANITA K. PISARCIK and DAVID A, PISARCIK,	:	
Plaintiffs	:	
	:	No. 2006 - 2029 C.D.
vs.	:	
	:	
LAUREL OF DUBOIS and MODAL INC.,	:	
Defendants	:	

PRAECIPE

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please mark the above-captioned case settled, discontinued and ended with prejudice.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By _____
Attorneys for Plaintiffs

Date: December 29, 2008

Copy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Anita K. Pisarcik
David A. Pisarcik

Vs. **No. 2006-02029-CD**
Laurel of DuBois
Modal, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 19, 2009, marked:

Settled, Discontinued, and Ended with Prejudice

Record costs in the sum of $85.00 have been paid in full by Gleason, Cherry and Cherry, LLP.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of January A.D. 2009.

William A. Shaw, Prothonotary