

David Laux, et alvs.Ruth Plyler, et al

Civil Other-COUNT

Date		Judge
12/13/2006	New Case Filed.	No Judge
	X Filing: Praeipce for Writ of Summons Paid by: Mack, Jonathan B. (attorney for Laux, David) Receipt number: 1916791 Dated: 12/13/2006 Amount: \$85.00 (Check) 1CC & 1 writ to shff.	No Judge
1/25/2007	X Praeipce For Entry of Appearance, filed by Atty. Segmiller no cert. copies. Enter appearance of Kathleen A. Segmiller on behalf of Ruth Plyler.	No Judge
1/26/2007	X Praeipce ot Enter Rule to File Complaint within 20 days after date of service issued. Rule Dated: January 26, 2007 Filed by Atty. Segmiller.	No Judge
2/5/2007	X Proof of Service, filed. That service of the Rule to File Complaint was made on Plaintiff's counsel by certified mail on the 31st day of January 2007, filed by Kathleen A. Segmiller Esq. NO CC.	No Judge
3/13/2007	X Complaint, filed by Atty. Neiderhiser 1 Cert. to Atty.	No Judge
	X Sheriff Return, December 28, 2006 at 1:00 pm Served the within Summons on Ruth Plyler. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamr Shff Hawkins costs pd by Marcus \$44.91	No Judge
3/22/2007	X Answer, New Matter, And New Matter Pursuant to PA.R.C.P. 2252(d). Filed by s/Kathleen A. Segmiller, Esquire. No CC	No Judge
4/2/2007	X Plaintiffs' Reply to Defendant's New Matter, filed by s/ Bryan S. Neiderhiser Esq. 1CC Atty Neiderhiser.	No Judge
4/24/2007	X Praeipce For Entry of Appearance, filed on behalf of Defendant David Laux for purposes of 2252(d) New Matter only. Filed by s/ Matthew B. Taladay, Esquire. No CC	No Judge
5/14/2007	X Certificate of Service, filed. That a true and correct copy of the foregoing Plaintiffs' First Set of Interrogatories Directed to Defendant was mailed on this 11th day of May 2007 to Kathleen A. Segmiller Esq., filed by s/ Bryan S. Neiderhiser Esq. 1CC to Atty.	No Judge
	X Certificate of Service, filed. That a true and correct copy of the foregoing Plaintiffs' First Request for Production of Documents Directed to Defendant was mailed this 11th day of May 2007 to Kathleen A. Segmiller Esq., filed by s/ Bryan S. Neiderhiser Esq. 1CC to Atty.	No Judge
6/14/2007	X Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff David Laux's Answers to First Set of Interrogatories were mailed this 13th day of June 2007 to Kathleen A. Segmiller Esq. and Matthew B. Taladay Esq., filed by s/ Bryan S. Neiderhiser Esq. 1CC Atty.	No Judge
	X Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff David Laux's Responses to Request for Production of Documents were mailed this 13th day of June 2007 to Kathleen A. Segmiller Esq. and Matthew B. Taladay Esq., filed by s/ Bryan S. Neiderhiser Esq. 1 CC.	No Judge
	X Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff Ashley Laux's Answers to First Set of Interrogatories were mailed this 13th day of June 2007 to Kathleen A. Segmiller Esq and Matthew B. Taladay Esq., filed. 1 CC.	No Judge
	X Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff Ashley Laux's Responses to Request for Production of Documents were sent this 13th day of June 2007 to Kathleen A. Segmiller Esq. and Matthew B. Taladay Esq., filed. 1CC Atty.	No Judge

Date	Custody	Judge
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8/14/2006	Return mail to Gerald B. Robison, Order dated July 31, 2006, remailed to 436 Anderson St., Apt. 1, Curwensville, PA 16833	Paul E. Cherry
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10/4/2006	Order AND NOW, this 3rd day of October 2006, the Court being in receipt of a letter indicating threats were made by the defendant, and that a Status Conference shall be held on the 17th day of October 2006 at 2:30 p.m. in Courtroom No. 2, (for custody status see original), BY THE COURT: /s/ Paul E. Cherry, Judge, 1CC shff, Clearfield County League on Social Services Inc., Atty Floor and deft @ 436 Anderson St., Apt. 1, Curwensville, PA 16833 and 569 B First Street, Po Box 186, Gramplan PA 16838.	Paul E. Cherry
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10/23/2006	Order, NOW, this 17th day of Oct., 2006, ordered that this Court's Order of July 31, 2006, shall be reinstated and the parties shall comply with all provisions contained therein. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Floor, 2CC Def.-436 Anderson St. Apt. 1, Curwensville, PA 16833	Paul E. Cherry
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11/2/2006	Sheriff Return, October 31, 2006 Returned the within Order "NOT SERVED" by Clearfield County Sheriff as to Gerald B. Robison. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	Paul E. Cherry
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11/22/2006	Order, NOW, this 22nd day of Nov., 2006, the court being advised of Def's failure to comply with the requirements of SAVE Program, Ordered that all visitation with the minor child is Suspended. by the Court, /s/ Paul E. Cherry, Judge, 1CC Save Program, 1CC Atty. Floor, 1CC Piff @ 235 Valley View Dr. Apt E3, Cftd. PA 16830, 1CC Def. @ 436 Anderson St. Apt. 1, Curwensville, PA 16833	Paul E. Cherry
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5/20/2008	Petition to Reinstate, filed by s/ Chris A. Pentz Esq, 5CC Atty Pentz. Paul E. Cherry	Paul E. Cherry
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5/22/2008	Scheduling Order, this 20th day of May, 2008, upon consideration of the Petition to Reinstate Custody, a hearing for this matter is scheduled for the 17th day of July, 2008, at 10:30 a.m. in Courtroom 2. By The Court, /s/ Paul E. Cherry, Judge, 4CC Atty. Pentz	Paul E. Cherry
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7/15/2008	Motion for Continuance, filed by s/ Robin Jean Floor Esq, 3CC Atty Floor. Paul E. Cherry	Paul E. Cherry
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7/16/2008	Order, this 15th day of July, 2008, upon consideration of the plaintiffs motion and defendants agreement, the hearing on defendant's Petition to Reinstate Custody is continued and re-scheduled for the 28th day of August, 2008 at 10:00 a.m. in Courtroom 2. By the Court, /s/ Paul E. Cherry, Judge, 3CC Atty. Floor	Paul E. Cherry
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Date: 9/4/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:33 AM

ROA Report

Page 2 of 2

Case: 2006-02074-CD

Current Judge: Fredric Joseph Ammerman

David Laux, et alvs.Ruth Plyler, et al

Civil Other-COUNT

Date		Judge
6/14/2007	<input checked="" type="checkbox"/> Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff Scott Laux's Answers to First Set of Interrogatories were mailed this 13th day of June 2007 to Kathleen A. Segmiller Esq. and Matthew B. Taladay Esq., filed. 1CC Atty.	No Judge
	<input checked="" type="checkbox"/> Notice of Service, filed. That a true and correct copy of the foregoing Plaintiff Scott Laux's Responses to Request for Production of Documents were mailed this 13th day of June 2007 to Kathleen A. Segmiller Esq and Matthew B. Taladay Esq., filed. 1CC Atty.	No Judge
7/10/2007	<input checked="" type="checkbox"/> Notice of Deposition of Ruth Plyler, filed by s/ Bryan S. Neiderhiser Esq. 1CC Atty.	No Judge
7/12/2007	<input checked="" type="checkbox"/> Amended Notice of Deposition of Ruth Plyler, filed by s/ Bryan S. Neiderhiser Esq. No CC.	No Judge
10/9/2007	<input checked="" type="checkbox"/> Notice of Deposition of Greg Winters, filed by s/ Bryan S. Neiderhiser Esq. No CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition of CPL David Fye, filed by s/ Bryan S. Neiderhiser Esq. No CC.	No Judge
7/11/2008	<input checked="" type="checkbox"/> Motion For Summary Judgment, filed by s/Matthew B. Taladay, Esquire. CC	No Judge
7/17/2008	<input checked="" type="checkbox"/> Order, this 16th day of July, 2008, upon consideration of Additional Defendant's Motion for Summary Judgment, it is Ordered that Argument is scheduled to occur on the 11th day of Sept. 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Taladay	Fredric Joseph Ammerman
7/23/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That on the 22nd day of July 2008, a true and correct copy of Order of Court dated July 16, 2008 was sent via first class mai to Bryan S. Neiderhiser Esq and Kathleen A. Segmiller Esq., filed by s/ Matthew B. Taladay Esq. No CC.	Fredric Joseph Ammerman
7/24/2008	<input checked="" type="checkbox"/> Praecipe For Briefing Schedule Pursuant to Local Rule 211, filed by s/ Kathleen A. Segmiller, Esquire. no CC	Fredric Joseph Ammerman

9-22-08 Exhibits to Motion for Summary Judgment

Civil Other-COUNT		Date
New Case Filed.		4/3/2008
Praecipe to Proceed in Forma Pauperis, filed by s/ Eric Riddick-piff. No CC. No Judge		No Judge
Order NOW, this 3rd day of April 2008, the Court having received and reviewed the Plaintiff's Petition to Proceed in Forma pauperis be and is hereby GRANTED for purposes of the Plaintiff's Civil Complaint. BY THE COURT: s/ Fredric J. Ammerman, P. Judge. 3CC piff.		No Judge
Complaint for: Violations of the First and Fourteenth Amendment, and the R.L.U.I.P.A. (religious land use institutionalized person act), filed by s/ Eric Riddick-piff. 9CC piff.		No Judge
Sheriff Return, April 22, 2008 at 9:57 am Served the within Complaint on Former Superintendent G. Patrick by handing to D. Chencharick. April 22, 2008 at 9:57 am Served the within Complaint on Current Superintendent R. Britton by handing to Doreta Chencharick. April 22, 2008 at 9:57 am Served the within Complaint on Chaplain R. Henry by handing to Doreta Chencharick. April 22, 2008 at 9:57 am Served the within Complaint on Chaplain Dugan by handing to D. Chencharick. April 22, 2008 at 9:57 am Served the within Complaint on Grievance Coordinator D. Chencharick. April 17, 2008 Sheriff of Cumberland County was deputized. April 24, 2008 at 3:13 pm Served the within Complaint on Department of Corrections. April 24, 2008 at 3:13 pm Served the within Complaint on Rev. Ulli Klem (Administrator, Religious & Volunteer Services Inmate Services). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shift Hawkins costs NO COSTS IFP Order Cumberland Co. costs NO COSTS IFP Order		No Judge
Praecipe for Entry of Appearance, filed by Atty. MacIntyre 2 Cert. to Atty. Enter appearance on behalf of Defendants		No Judge
Preliminary Objections, filed by Atty. MacIntyre 3 Cert. to Atty.		No Judge
Order, this 4th day of August, 2008, the Defendants' Preliminary Objections to Plaintiff's Complaint are Sustained and the Complaint is Dismissed. Plaintiff shall have a period of 30 days to file an Amended Complaint. By The Court, s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. MacIntyre Affidavit for an Extension of Time, filed by Plaintiff one cert. copy.		No Judge

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

David Laux, et al.
(Plaintiff)

849 Treasure Lake
(Street Address)

Dubois, PA 15801
(City, State ZIP)

VS.

Ruth Plyler
(Defendant)

143 East Long Avenue
(Street Address)

Dubois, PA 15801
(City, State ZIP)

CIVIL ACTION

No. 06-2074-CD

Type of Case: Civil

Type of Pleading: Praecipe for
Writ of Summons

Filed on Behalf of:

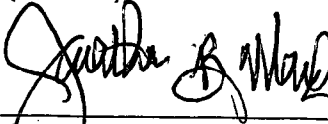
David Laux, et al.
(Plaintiff/~~Defendant~~)

Jonathan B. Mack, Esquire

(Filed by)
Marcus & Mack, P.C.
57 S. 6th Street, P. O. Box 1107
Indiana, PA 15701
(Address)

(724) 349-5602

(Phone)


(Signature)

FILED Att'y pd. 85.00
MTT:38/01
DEC 13 2006 ICC & writ
to Shff

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX,
his wife, ASHLEY LAUX and
SCOTT LAUX,

No. 06-2074-CD

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

PRAECIPE FOR WRIT OF SUMMONS

Filed on behalf of Plaintiffs

Jonathan B. Mack, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 38970

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX,
his wife, ASHLEY LAUX and
SCOTT LAUX,

No.

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

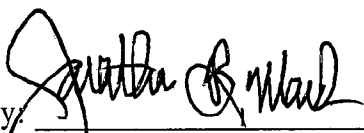
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Writ of Summons in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 
Jonathan B. Mack, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID #38970

December 11, 2006

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

CO. 4

SUMMONS

David Laux and Sarah Laux, his wife,
Ashley Laux and Scott Laux

Vs.

NO.: 2006-02074-CD

Ruth Plyler

TO: RUTH PLYLER

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: 12/13/2006



William A. Shaw
Prothonotary

Issuing Attorney:

Jonathan B. Mack
57 South 6th Street
Indiana, PA 15701
(724) 349-5602

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,) CIVIL DIVISION
ASHLEY LAUX and SCOTT LAUX,)
Plaintiffs,) No. 2006 - 02074 - CD
vs.) Code:
RUTH PLYLER,) **PRAECIPE FOR APPEARANCE**
Defendant.)
Filed on behalf of Defendant,
Ruth Plyler
Counsel of Record for this Party:
Kathleen A. Segmiller
Pa. I.D. No. 62929
SEGMILLER & MENDICINO, P.C.
Firm No. 336
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884
JURY TRIAL DEMANDED

FILED

JAN 25 2007
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)	
ASHLEY LAUX and SCOTT LAUX,)	
)	
Plaintiffs,)	CIVIL DIVISION
)	
vs.)	No. 2006 - 02074 - CD
)	
RUTH PLYLER,)	
)	
Defendant.)	

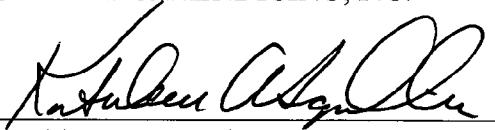
PRAECIPE FOR APPEARANCE

TO: WILLIAM A. SHAW, PROTHONOTARY:

Please enter the appearance of Kathleen A. Segmiller, Esquire, and the law firm of Segmiller & Mendicino, P.C., on behalf of the Defendant, Ruth Plyler, in the above-captioned case.

Respectfully submitted,

SEGMILLER & MENDICINO, P.C.


By: 
Kathleen A. Segmiller, Esquire
Pa. I.D. No. 62929
Firm No. 336
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884
Attorneys for Defendant, Ruth Plyler

DATED: January 23, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of January, 2007, a true and correct copy of the foregoing **PRAECIPE FOR APPEARANCE** was served via United States First Class Mail, postage prepaid, upon the following counsel of record:

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701


Kathleen A. Segmiller, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,
ASHLEY LAUX and SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

) CIVIL DIVISION

) No. 2006 - 02074 - CD

) Code:

) **PRAECIPE FOR RULE
TO FILE COMPLAINT**

) Filed on behalf of Defendant,
) Ruth Plyler

) Counsel of Record for this Party:

) Kathleen A. Segmiller
) Pa. I.D. No. 62929

) SEGMILLER & MENDICINO, P.C.
) Firm No. 336
) 3400 Gulf Tower
) 707 Grant Street
) Pittsburgh, PA 15219
) (412) 227-5884

) **JURY TRIAL DEMANDED**

FILED 

JAN 26 2007

m/11:30/wm

William A. Shaw
Prothonotary/Clerk of Courts

NO SENT (copy)

Rule to Att

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)	
ASHLEY LAUX and SCOTT LAUX,)	
)	
Plaintiffs,)	CIVIL DIVISION
)	
vs.)	No. 2006 - 02074 - CD
)	
RUTH PLYLER,)	
)	
Defendant.)	

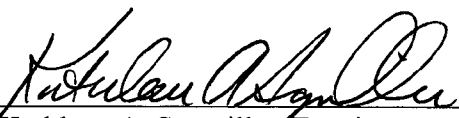
PRAECIPE FOR RULE TO FILE COMPLAINT

TO: WILLIAM A. SHAW, PROTHONOTARY:

Kindly issue a rule upon Plaintiffs, David Laux, Sarah Laux, Ashley Laux and Scott Laux, to file a Complaint against the Defendant, Ruth Plyler.

Respectfully submitted,

SEGMILLER & MENDICINO, P.C.

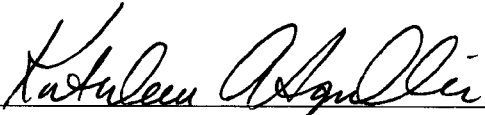
By: 
Kathleen A. Segmiller, Esquire
Pa. I.D. No. 62929
Firm No. 336
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884
Attorneys for Defendant, Ruth Plyler

DATED: January 24, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of January, 2007, a true and correct copy of the foregoing **PRAECIPE FOR RULE TO FILE COMPLAINT** was served via United States First Class Mail, postage prepaid, upon the following counsel of record:

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701


Kathleen A. Segmiller, Esquire

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

David Laux and Sarah Laux, his wife,
Ashley Laux and Scott Laux
Plaintiffs

Vs.
Ruth Plyler

Case No. 2006-02074-C10

Defendant

RULE TO FILE COMPLAINT

TO: David Laux and Sarah Laux, his wife, Ashley Laux and Scott Laux

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: January 26, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)
ASHLEY LAUX and SCOTT LAUX,)

Plaintiffs,)

vs.)

RUTH PLYLER,)

Defendant.)

CIVIL DIVISION

No. 2006 - 02074 - CD

Code:

PROOF OF SERVICE

Filed on behalf of Defendant,
Ruth Plyler

Counsel of Record for this Party:

Kathleen A. Segmiller
Pa I.D. No. 62929

SEGMILLER & MENDICINO, P.C.
Firm No. 336
3430 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

JURY TRIAL DEMANDED

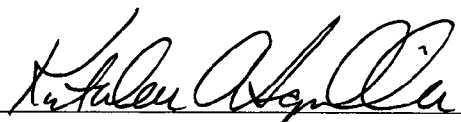
FILED NO CC
m 110:510K
FEB 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of February, 2007, a true and correct copy of the foregoing **PROOF OF SERVICE** was served via United States First Class Mail, postage prepaid, upon the following counsel of record:

Jonathan B. Mack, Esquire
57 South 6th Street
Indiana, PA 15701


Kathleen A. Segmiller, Esquire

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

FILED

MAR 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

(Plaintiff)

CIVIL ACTION

849 Treasure Lake

(Street Address)

No. 2006-02074-CD

DuBois, PA 15801

(City, State ZIP)

Type of Case: Civil - Personal Injury

Type of Pleading: Complaint

VS.

Filed on Behalf of:

RUTH PLYLER

(Defendant)

Plaintiffs

(Plaintiff/Defendant)

143 East Long Avenue

(Street Address)

DuBois, PA 15801

(City, State ZIP)

Bryan S. Neiderhiser, Esquire
MARCUS AND MACK, P.C.

(Filed by)

57 S. 6th Street, PO Box 1107
Indiana, PA 15701

(Address)

724-349-5602

(Phone)

(Signature)

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

FILED

MAR 13 2007

W. A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

1 sent to ATT

COMPLAINT IN CIVIL ACTION

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

NOTICE TO PLEAD

TO: Ruth Plyler, Defendant.

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

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

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

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641 Ext. 5982

Respectfully submitted,
MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street, P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

COMPLAINT

AND NOW, come the Plaintiffs, David Laux, Sarah Laux, his wife, Ashley Laux and Scott Laux, by and through their attorneys, Bryan S. Neiderhiser, Esquire, and Marcus & Mack, P.C., and file the following Complaint:

1. The Plaintiffs, David Laux and Sarah Laux, are married adult individuals who reside in DuBois, Clearfield County, Pennsylvania.
2. The Plaintiff, Ashley Laux, is an adult individual who resides in DuBois, Clearfield County, Pennsylvania.
3. The Plaintiff, Scott Laux, is an adult individual who resides in DuBois, Clearfield County, Pennsylvania.
4. The Defendant, Ruth Plyler, is an adult individual who is believed to reside at 143 East Long Avenue, DuBois, Clearfield County, Pennsylvania, 15801.

COUNT I - NEGLIGENCE
PLAINTIFFS DAVID LAUX, SARAH LAUX, HIS WIFE,
ASHLEY LAUX AND SCOTT LAUX VS.
RUTH PLYLER, DEFENDANT

5. On or about March 27, 2005, Plaintiff David Laux was operating a vehicle which was slowing in the westbound lane of West Front Street (State Route 0322), in the Borough of Clearfield, Clearfield County, Pennsylvania, waiting to make a left turn into the Sheetz parking lot. Defendant, Ruth Plyler, was also traveling in the same lane and same direction as Plaintiff, when suddenly and without warning, Defendant lost control of her vehicle and struck the rear of Plaintiff's vehicle.

6. Plaintiffs, Sarah Laux, Ashley Laux and Scott Laux were passengers in the vehicle driven by Plaintiff, David Laux, at the aforesaid date and place.

7. The aforesaid accident was caused by the negligence of the Defendant in general and in the following particulars:

- a. In operating the vehicle at a high, dangerous and reckless speed under the circumstances;
- b. In operating the vehicle in a dangerous and reckless manner under the circumstances;
- c. In failing to have the vehicle under proper control;
- d. In continuing to operate the vehicle in a direction toward the Plaintiffs' vehicle when the Defendant saw or in the exercise of reasonable care should have seen that further operation in that direction would result in a collision;
- e. In failing to pay proper attention and failing to maintain an appropriate lookout of the road and surrounding traffic conditions;
- f. In failing to sound a horn or give other warning of the approach of the vehicle;

- g. In failing to operate the brakes or operate the brakes in such a manner so that the vehicle could be stopped in time to avoid the collision;
- h. In violating the various statutes and municipal ordinances pertaining to the operation of motor vehicles on public thoroughfares under the circumstances;
- i. In failing to maintain an "assured clear distance" ahead;
- j. In failing to stop before striking the rear portion of the Plaintiffs' vehicle;
- k. In failing to maintain a reasonable lookout for the presence of other motor vehicles on the road;
- l. In failing to avoid hitting the Plaintiffs' vehicle when the Defendant saw or should have seen that the Plaintiffs' vehicle was on the road in full view of the Defendant;
- m. In failing to drive around the Plaintiff's vehicle instead of colliding with it;
- n. In striking Plaintiffs' motor vehicle which was or should have been plainly visible to the Defendant;
- o. In failing to take proper note of, and precautions for, the configuration of the roadway;
- p. In failing to take measures to avoid the crash or lessen its severity;
- q. In otherwise operating said vehicle in a careless, reckless and negligent manner; and
- r. In violating §3714 of the Pennsylvania Motor Vehicle Code.

8. Plaintiffs are covered by the Full Tort option under the Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1705.

WHEREFORE, Plaintiffs, David Laux and Sarah Laux, his wife, Ashley Laux and Scott Laux demand judgment against Defendant Ruth Plyler in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT II - DAMAGES
PLAINTIFF DAVID LAUX VS. DEFENDANT RUTH PLYLER

9. Each of the above paragraphs is incorporated herein by reference.

10. As a result of the aforesaid accident, Plaintiff David Laux has suffered, among other things, the following injuries:

- a. Whiplash;cervical strain/sprain;
- b. Cervical myofascial pain syndrome and cervical osteoarthritis;
- c. Cervicalgia and muscle spasms;
- d. Severe pain and discomfort in the cervical spine;
- e. Severe injury to the cervical spine;
- f. Blurred vision, headaches and migraines and ringing in his ears;
- g. Severe pain and discomfort in his head;
- h. Severe injury to his head;
- i. Pain in both shoulders and twitch in right scapular muscles;
- j. Severe pain and discomfort in his shoulders;
- k. Severe injury to his shoulders;
- l. Spasms to upper back;
- m. Pain and discomfort in his thoracic spine;
- n. Severe injury to his thoracic spine;
- o. Severe pain and discomfort in his right hip and tailbone;
- p. Severe injury to his right hip and tailbone;
- q. Lower back pain and sacroilitis;
- r. Severe pain and discomfort in his lumbar spine;

- s. Severe injury to his lumbar spine;
- t. Severe pain and discomfort in his left elbow;
- u. Severe injury to his left elbow;
- v. Severe pain and discomfort to his right thumb;
- w. Severe injury to his right thumb;
- x. Depression and anxiety;
- y. Severe emotional distress and shock to his nerves and nervous system;
- z. Other injuries and damages recoverable by law; and
- aa. Some or all of the above injuries may be permanent in nature.

11. As a result of the aforesaid injuries, Plaintiff David Laux has suffered the following damages:

- a. He has incurred in the past, and will incur in the future, substantial medical expenses;
- b. He has suffered in the past, and will suffer in the future, substantial pain, suffering and inconvenience and the loss of certain of the ordinary pleasures of life;
- c. He has sustained in the past, and will sustain in the future, other emotional, economic and physical harm; and
- d. He has sustained in the past, and will sustain in the future, loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff David Laux demands judgment against Defendant Ruth Plyler in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT III - DAMAGES
PLAINTIFF ASHLEY LAUX VS. DEFENDANT RUTH PLYLER

12. Each of the above paragraphs is incorporated herein by reference.

13. As a result of the aforesaid accident, Plaintiff Ashley Laux has suffered, among other things, the following injuries:

- a. Acute cervical myofascial strain (hyperextension-hyperflexion injury) with paravertebral muscle spasm, cervical radiculitis, cervical subluxation complex cephalgia, loss of cervical lordosis; neck stiffness and spinal tenderness
- b. Severe pain and discomfort in her cervical spine;
- c. Severe injury to her cervical spine;
- d. Headaches, dizziness, lightheadedness and visual changes;
- e. Severe pain and discomfort in her head;
- f. Severe injury to her head;
- g. Severe pain and discomfort in her shoulders with numbness and tingling going into both arms;
- h. Severe injury to her shoulders and arms;
- i. Severe pain, stiffness and discomfort in her thoracic spine;
- j. Severe injury to her thoracic spine;
- k. Lumbar sprain/strain;
- l. Severe pain, stiffness and discomfort in her lower back/lumbar spine, with pain, numbness and tingling/paresthesia extending into her right leg;
- m. Severe injury to her lumbar spine;
- n. Loss of energy and difficulty sleeping;
- o. Severe emotional distress and shock to her nerves and nervous system;
- p. Other injuries and damages recoverable by law; and

- q. Some or all of the above injuries may be permanent in nature.

14. As a result of the aforesaid injuries, Plaintiff Ashley Laux has suffered the following damages:

- a. She has incurred in the past, and will incur in the future, substantial medical expenses;
- b. She has suffered in the past, and will suffer in the future, substantial pain, suffering and inconvenience and the loss of certain of the ordinary pleasures of life;
- c. She has sustained in the past, and will sustain in the future, other emotional, economic and physical harm; and
- d. She may sustain in the future, loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff Ashley Laux demands judgment against Defendant Ruth Plyler in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT IV - DAMAGES
PLAINTIFF SCOTT LAUX VS. DEFENDANT RUTH PLYLER

15. Each of the above paragraphs is incorporated herein by reference.

16. As a result of the aforesaid accident, Plaintiff Scott Laux has suffered, among other things, the following injuries:

- a. Cervical sprain/strain, with subluxation of C-5 vertebra, stiffness, pain and soreness in neck;
- b. Severe pain and discomfort in his cervical spine;
- c. Severe injury to his cervical spine;
- d. Headaches, migraine headaches, throbbing pain in head and myofascial pain syndrome;
- e. Severe pain and discomfort in his head;

- f. Severe injury to his head;
- g. Severe pain and discomfort in his shoulders;
- h. Severe injury to his shoulders;
- i. Severe pain and discomfort in his lower back/lumbar spine;
- j. Severe injury to his lumbar spine;
- k. Severe emotional distress and shock to his nerves and nervous system;
- l. Other injuries and damages recoverable by law; and
- m. Some or all of the above injuries may be permanent in nature.

17. As a result of the aforesaid injuries, Plaintiff Scott Laux has suffered the following damages:

- a. He has incurred in the past, and will incur in the future, substantial medical expenses;
- b. He has suffered in the past, and will suffer in the future, substantial pain, suffering and inconvenience and the loss of certain of the ordinary pleasures of life;
- c. He has sustained in the past, and will sustain in the future, other emotional, economic and physical harm; and
- d. He may sustain in the future, loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff Scott Laux demands judgment against Defendant Ruth Plyler in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT V - LOSS OF CONSORTIUM
PLAINTIFF SARAH LAUX VS. DEFENDANT RUTH PLYLER

18. Each of the above paragraphs is incorporated herein by reference.

19. As a result of the injuries to her spouse, the wife-plaintiff has lost the society, comfort and services of her spouse.

20. As a result of the injuries to her spouse, the wife-plaintiff has in the past and/or may in the future be required to expend substantial sums of money for her husband's medical expenses.

WHEREFORE, Plaintiff Sarah Laux demands judgment against Defendant Ruth Plyler in an amount in excess of the jurisdictional limits of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

COUNT VI
PLAINTIFFS DAVID LAUX AND SARAH LAUX
VS. RUTH PLYLER

21. Each of the above paragraphs is incorporated herein by reference.

22. At the time of the within accident, Plaintiff Scott Laux was a minor.

23. As a result of aforesaid injuries to the then minor Plaintiff, his parents and natural guardians, David Laux and Sarah Laux, suffered the following damages:

- a. They have incurred in the past and will incur in the future, medical and other expenses; and
- b. They have been and/or may be deprived of Plaintiff Scott Laux's companionship and society.

WHEREFORE, Plaintiffs, David Laux and Sarah Laux, demand judgment against Defendant Ruth Plyler in an amount in excess of jurisdiction of a Board of Arbitrators of this Court.

JURY TRIAL DEMANDED.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street, P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

VERIFICATION


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

A handwritten signature in black ink, appearing to read "David Laux", written over a horizontal line.

David Laux

VERIFICATION

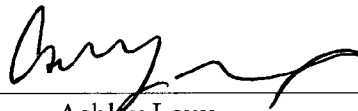
I, Sarah Laux, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Sarah Laux

VERIFICATION

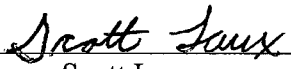
I, Ashley Laux, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.

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

Ashley Laux

VERIFICATION

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



Scott Laux

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

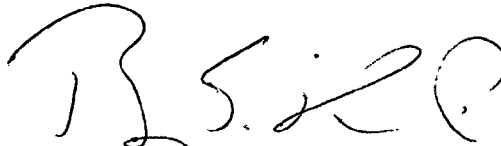
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

COMPLAINT was mailed, U.S. First Class mail, to the following this 12th day of March, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219



Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102243
NO: 06-2074-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: DAVID LAUX AND SARAH LAUX his wife, ASHLEY LAUX & SCOTT LAUX
vs.
DEFENDANT: RUTH PLYLER

SHERIFF RETURN

NOW, December 28, 2006 AT 1:00 PM SERVED THE WITHIN SUMMONS ON RUTH PLYLER DEFENDANT AT 143 EAST LONG AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RUTH PLYLER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
01/3:00 PM
MAR 13 2007
LTM

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MARCUS	38499	10.00
SHERIFF HAWKINS	MARCUS	38499	34.91

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by Marilyn Harn
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)
ASHLEY LAUX and SCOTT LAUX,)

Plaintiffs,)

vs.)

RUTH PLYLER,)

Defendant,)

vs.)

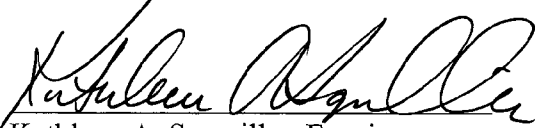
DAVID LAUX,)

Additional Defendant.)

Notice to Plead

TO: Plaintiffs/Additional Defendant

You are notified to plead to the enclosed
Answer, New Matter and New Matter
Pursuant to Pa.R.C.P. 2252(d) within twenty
(20) days from date of service or a judgment
may be entered against you.


Kathleen A. Segmiller, Esquire
Attorney for Defendant, Ruth Plyler

CIVIL DIVISION

No. 2006 - 02074 - CD

Code:

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

Filed on behalf of Defendant,
Ruth Plyler

Counsel of Record for this Party:

Kathleen A. Segmiller
Pa. I.D. No. 62929

SEGMILLER & MENDICINO, P.C.
Firm No. 336
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

JURY TRIAL DEMANDED

FILED

MAR 22 2007

m/10:30/c
William A. Shaw
Prothonotary/Clerk of Courts
no c/c (6X)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)	
ASHLEY LAUX and SCOTT LAUX,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
RUTH PLYLER,)	CIVIL DIVISION
)	
Defendant,)	No. 2006 - 02074 - CD
)	
vs.)	
)	
DAVID LAUX,)	
)	
Additional Defendant.)	

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

AND NOW COMES Defendant, Ruth Plyler, by and through her attorneys, Kathleen A. Segmiller, Esquire, and the law firm of Segmiller & Mendicino, P.C., and files the within Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) to Plaintiffs' Complaint:

1. It is admitted that Plaintiffs, David Lauz and Sarah Laux, reside in Dubois, Clearfield County, Pennsylvania. However, at this time, Defendant is without sufficient information as to the truth of the marital relationship between the Plaintiffs.
2. Admitted.
3. Admitted.
4. Admitted.

COUNT I - NEGLIGENCE
PLAINTIFFS DAVID LAUX, SARAH LAUX, HIS WIFE,
ASHLEY LAUX AND SCOTT LAUX vs.
RUTH PLYLER, DEFENDANT

5. Paragraph 5 of Plaintiffs' Complaint is admitted in part and denied in part. It is admitted that Plaintiff, David Laux, was operating a vehicle which was in the westbound lane of West Front Street (State Route 322) in the Borough of Clearfield, Clearfield County, Pennsylvania. It is specifically denied that Plaintiff, David Laux, was slowing down his vehicle at the time of impact in the westbound lane. To the contrary, Plaintiff, David Laux, was stopped in the westbound lane of State Route 322 attempting to make an illegal/improper left-hand turn into the Sheetz parking lot. It is admitted that Defendant, Ruth Plyler, was also traveling in the same lane and same direction as the Plaintiff when suddenly and without warning, Defendant, David Laux, stopped his vehicle on the roadway directly in front of Defendant Plyler's vehicle causing the contact between the vehicles.

6. Admitted.

7. Paragraph 7 of Plaintiffs' Complaint contains conclusions of law to which no response is required. To the extent that this Court deems a response necessary, the averments of Paragraph 6 and each and every subpart thereto are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). To the extent that a responsive pleading is required, it is specifically denied that Defendant acted in a careless, reckless or negligent manner and Defendant specifically denies Paragraph 7(a) through 7(r) and demands strict proof at time of trial.

8. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 8 regarding Plaintiffs' tort options at this time. Strict proof of Plaintiffs' tort selection is demanded prior to trial.

WHEREFORE, Defendant, Ruth Plyler, denies that she is indebted to the Plaintiffs in any sum whatsoever and demands judgment in her favor.

COUNT II - DAMAGES
PLAINTIFF DAVID LAUX vs. DEFENDANT RUTH PLYLER

9. Paragraph 9 is an incorporation paragraph to which no response is required. To the extent that this Court deems a response necessary, Defendant hereby incorporates by reference Paragraphs 1 through 8 of her Answer.

10. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 10 of Plaintiffs' Complaint relating to Plaintiff David Laux's alleged injuries suffering as a result of the contact between Defendant's and Plaintiff's vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

11. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 11 of Plaintiffs' Complaint relating to Plaintiff David Laux's alleged injuries and damages suffered as a result of the minimal contact between Defendant's and Plaintiffs' vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

WHEREFORE, Defendant, Ruth Plyler, denies she is indebted to Plaintiff, David Laux, in any sum whatsoever and demands judgment in her favor.

COUNT III - DAMAGES
PLAINTIFF ASHLEY LAUX vs. DEFENDANT RUTH PLYLER

12. Paragraph 12 is an incorporation paragraph to which no response is required. To the extent that this Court deems a response necessary, Defendant hereby incorporates by

reference Paragraphs 1 through 11 of her Answer.

13. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 13 of Plaintiffs' Complaint relating to Plaintiff Ashley Laux's alleged injuries suffering as a result of the contact between Defendant's and Plaintiff's vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

14. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 14 of Plaintiffs' Complaint relating to Plaintiff Ashley Laux's alleged injuries and damages suffered as a result of the minimal contact between Defendant's and Plaintiff's vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

WHEREFORE, Defendant, Ruth Plyler, denies she is indebted to Plaintiff, Ashley Laux, in any sum whatsoever and demands judgment in her favor.

COUNT IV - DAMAGES
PLAINTIFF SCOTT LAUX vs. DEFENDANT RUTH PLYLER

15. Paragraph 15 is an incorporation paragraph to which no response is required. To the extent that this Court deems a response necessary, Defendant hereby incorporates by reference Paragraphs 1 through 14 of her Answer.

16. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 16 of Plaintiffs' Complaint relating to Plaintiff Scott Laux's alleged injuries suffering as a result of the contact between Defendant's and Plaintiff's vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

17. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 17 of Plaintiffs' Complaint relating to Plaintiff Scott Laux's alleged injuries and damages suffered as a result of the minimal contact between Defendant's and Plaintiff's vehicles. Therefore, the same are denied and strict proof thereof will be demanded at time of trial.

WHEREFORE, Defendant, Ruth Plyler, denies she is indebted to Plaintiff, Scott Laux, in any sum whatsoever and demands judgment in her favor.

COUNT V - LOSS OF CONSORTIUM
PLAINTIFF SARAH LAUX vs. DEFENDANT RUTH PLYLER

18. Paragraph 18 of Plaintiffs' Complaint is an incorporation paragraph to which no response is required. To the extent that this Court deems a response necessary, Defendant hereby incorporates by reference Paragraphs 1 through 17 of her Answer.

19. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 19 of Plaintiffs' Complaint relating to Sarah Laux's damages or the alleged injuries sustained by Plaintiff, David Laux. Strict proof relating to the marital relationship between David Laux and Sarah Laux is demanded at time of trial. Further, Plaintiff Sarah Laux has released all of her claims against the Defendant pursuant to the January 16, 2006 executed Release of All Claims.

20. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 20 of Plaintiffs' Complaint relating to Sarah Laux's damages or the alleged injuries sustained by Plaintiff, David Laux. Further, strict proof relating to the marital relationship between David Laux and Sarah Laux is demanded at time of trial. Further, Plaintiff Sarah Laux has released all of her claims

against the Defendant pursuant to the January 16, 2006 executed Release of All Claims.

WHEREFORE, Defendant, Ruth Plyler, denies that she is indebted to the Plaintiff, Sarah Laux, in any sum whatsoever and demands judgment in her favor.

COUNT VI
PLAINTIFFS DAVID LAUX AND SARAH LAUX
vs. RUTH PLYLER

21. Paragraph 21 of Plaintiffs' Complaint is an incorporation paragraph to which no response is required. To the extent that this Court deems a response necessary, Defendant hereby incorporates by reference Paragraphs 1 through 20 of her Answer.

22. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 22 of Plaintiffs' Complaint relating to the age of Plaintiff, Scott Laux, at the time of the accident. Strict proof is demanded prior to trial. Further, Plaintiff Sarah Laux has released all of her claims against the Defendant pursuant to the January 16, 2006 executed Release of All Claims.

23. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 23 of Plaintiffs' Complaint relating to Plaintiffs David Laux and Sarah Laux's damages or the alleged injuries sustained by Plaintiff, Scott Laux. Further, Plaintiff Sarah Laux has released all of her claims against the Defendant pursuant to the January 16, 2006 executed Release of All Claims.

WHEREFORE, Defendant, Ruth Plyler, denies that she is indebted to the Plaintiffs, David Laux and Sarah Laux, in any sum whatsoever and demands judgment in her favor.

NEW MATTER

24. Some or all of the injuries alleged by Plaintiffs, David Laux, Ashley Laux and Scott Laux, are unrelated to the accident in question or were caused by events and/or occurrences which took place either prior to or subsequent to the incident at issue.

25. All or some of the injuries and damages alleged by Plaintiffs are the direct, proximate result of actions of other parties other than the Defendant.

26. The Defendant is advised by counsel and, therefore, avers that some or all of Plaintiffs' alleged expenses for medical treatment incurred as a result of the accident and following the accident, were entitled to be paid by an insurance carrier. If any of these expenses and/or wages are permitted to be introduced into evidence as items of damages, and if a verdict is entered in Plaintiffs' favor, the Defendant claims a right of setoff against the verdict in any amount equal to these expenses.

27. The Defendant believes and therefore avers that if said accident did occur that it was caused solely and/or exclusively by circumstances over which the Defendant did not have control and/or responsibility and/or by supervening, intervening and/or independent causes over which the Defendant did not have control and/or responsibility and not in any manner whatsoever by the actions or inactions of the Defendant.

28. Plaintiffs' Complaint fails to state a valid cause of action pursuant to Pennsylvania's No Fault Motor Vehicle Act or Pennsylvania's Financial Responsibility Law.

29. Pursuant to the provisions of the Pennsylvania Financial Responsibility Law, Plaintiffs are prohibited from pleading, proving and/or recovering any medical bills and/or expenses in this matter.

30. The Defendant believes and therefore avers that the Plaintiffs' right to bring this lawsuit against the Defendant is or may be barred or limited by the limited tort option of the

Pennsylvania Financial Responsibility Law, which is applicable to Plaintiffs and/or requires the Plaintiffs to prove that they are not covered by the limited tort option.

31. Recovery from any injuries or damages sustained by the Plaintiffs is barred or must be reduced by the application of Pennsylvania's Comparative Negligence Act and/or the provisions of the Pennsylvania Motor Vehicle Code.

32. On January 16, 2006, Plaintiff, Sarah Laux, entered into an agreement with Defendant, Ruth Plyler, wherein Defendant Plyler promised to pay \$4,000.00 to satisfy all Plaintiff Sarah Laux's claims against her, and, in consideration thereof, Plaintiff, Sarah Laux, executed a Release in favor of Ruth Plyler, a true and correct copy of which is attached as Exhibit A.

33. Pursuant to the terms of this Release, Defendant Plyler has been released from "any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident." The Release was executed by Sarah G. Laux and witnessed accordingly.

34. Plaintiff's signing of the Release, cashing the settlement check and retaining the proceeds operated as an accord and satisfaction which discharged the Defendant, Ruth Plyler, from any remaining indebtedness arising from the motor vehicle accident of March 27, 2005.

WHEREFORE, Defendant, Ruth Plyler, denies that she is indebted to the Plaintiffs, David Laux and Sarah Laux, in any sum whatsoever and demands judgment in her favor.

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

35. Defendant incorporates by reference Paragraphs 1 through 34 of this Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d).

36. Any or all of the injuries or damages being claimed by Plaintiffs, Sarah Laux, Ashley Laux and Scott Laux, are the direct, proximate result of the negligent, careless and reckless conduct of David Laux, generally and in the following particulars:

- (a) In operating his vehicle without having the vehicle under proper control;
- (b) In stopping his vehicle suddenly and without warning on West Front Street (State Route 322);
- (c) In suddenly and without warning stopping his vehicle to make a left-hand turn in an improper lane;
- (d) In failing to keep a proper lookout for vehicles approaching behind prior to making a sudden and complete stop without warning;
- (e) In failing to take appropriate evasive action for approaching vehicles;
- (f) In failing to use his left turn signal when attempting to make an inappropriate left-hand turn on West Front Street in the improper lane;
- (g) In bringing his vehicle to a complete stop without regard to other vehicles in traffic;
- (h) In failing to warn other drivers that he was bringing his vehicle to a complete and sudden stop on West Front Street;
- (i) In operating and/or stopping his vehicle in violation of 75 Pa.C.S. Section 3351(a), 75 Pa.C.S. Section 3331(b), 75 Pa.C.S. Section 3331(c), 75 Pa.C.S. Section 3331(d) and/or 75 Pa.C.S. Section 3714(a);
- (j) In stopping his vehicle in the westbound lane of West Front Street awaiting to make a left hand turn into Sheetz which was not permitted through the appropriate signage.

37. It is thus averred that David Laux is solely liable to Plaintiff, Sarah Laux, Plaintiff, Ashley Laux, and Plaintiff, Scott Laux, for any injuries or damages sustained in the motor vehicle accident; or, in the alternative, if liability is imposed on the Defendant, Ruth

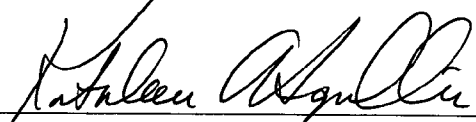
Plyler, which liability is specifically denied, then Additional Defendant, David Laux, is liable to the Defendant, Ruth Plyler, for indemnity and/or contribution.

WHEREFORE, Defendant, Ruth Plyler, demands judgment in her favor against all other parties in the instant action.

JURY TRIAL DEMANDED

Respectfully submitted,

SEGMILLER & MENDICINO, P.C.

By: 

Kathleen A. Segmiller, Esquire

Pa. I.D. No. 62929

Firm No. 336

3400 Gulf Tower, 707 Grant Street

Pittsburgh, PA 15219

(412) 227-5884

Attorneys for Defendant, Ruth Plyler

DATED: March 20, 2007

EXHIBIT A

JAN 25 2005
CONCORDVILLE
CLOS

RELEASE



38-K643-739 RL

38-K643-739

For the Sole Consideration of

Four Thousand and No Cents (\$4000.00)

Dollars

the receipt and sufficiency whereof is hereby acknowledged, the undersigned hereby releases and forever discharges

Ruth Plyler

h er heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known and unknown, both to person and property, which have resulted or may in the future develop from an accident which occurred on or about the 27th day of March, (year) 2005 at or near W Front St., Clearfield, PA

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

I AKI have hereunto set my hand(s) and seal(s) this 9/16 day of January (year) 2005

In presence of:
Sharon Meagher
Witness

Signed X Sarah H. Lantz

579011 St. Williams PA 1570
Address

Signed X _____

VERIFICATION

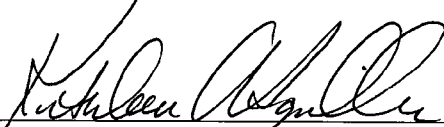
I, Ruth Plyler, verify that the averments made in the foregoing ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO PA.R.C.P. 2252(d) are true and correct based on my personal knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsification to authorities.


Ruth Plyler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of March, 2007, a true and correct copy of the foregoing **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO P.A.R.C.P. 2252(d)** was served via United States First Class Mail, postage prepaid, upon the following counsel of record:

Bryan S. Neiderhiser, Esquire
Marcus and Mack, P.C.
57 S. 6th Street
P.O. Box 1107
Indiana, PA 15701



Kathleen A. Segmiller, Esquire

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

ORIGINAL

**PLAINTIFFS' REPLY TO
DEFENDANT'S NEW MATTER**

JURY TRIAL DEMANDED

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED *icc*
m/11:25 am *Att*
APR 02 2007 *Neiderhiser*
(US)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

PLAINTIFFS' REPLY TO DEFENDANT'S NEW MATTER

AND NOW, come the Plaintiffs, David Laux, Sarah Laux, his wife, Ashley Laux and Scott Laux, by and through their attorneys, Bryan S. Neiderhiser, Esquire, and Marcus & Mack, P.C., and file the following Reply to Defendant's New Matter:

24. Paragraph 24 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 24 is specifically denied. It is denied that some or all of the injuries alleged by Plaintiffs, David Laux, Ashley Laux and Scott Laux, are unrelated to the subject accident or were caused by events and/or occurrences which took place either prior to or subsequent to the incident at issue. By way of further answer, the injuries and damages set forth by the Plaintiffs in the

Complaint were caused and/or contributed to by the negligence, carelessness and/or recklessness of the Defendant as set forth in the Complaint. Strict proof to the contrary is demanded at trial.

25. Paragraph 25 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 25 is specifically denied. It is denied that all or some of the injuries and damages alleged by the Plaintiffs are the direct, proximate result of actions of parties other than the Defendant. By way of further answer, Plaintiffs' injuries and damages were caused and/or contributed to by the negligence, carelessness and/or recklessness of the Defendant as set forth in the Complaint. Strict proof to the contrary is demanded at trial.

26. Paragraph 26 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 26 is admitted in part and specifically denied in part. It is admitted that some or all of Plaintiffs' expenses for medical treatment incurred as a result of the accident and following the accident were entitled to be paid by an insurance carrier. It is specifically denied that if any of those expenses and/or wages are permitted to be introduced into evidence as items of damages, and if a verdict is entered in Plaintiffs' favor, that the Defendant may claim, and/or is entitled to, a right of setoff against the verdict in any amount equal to those expenses. Strict proof to the contrary is demanded at trial.

27. Paragraph 27 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 27 is specifically denied. It is denied that the accident did not occur. It is further denied that the accident was caused solely and/or exclusively by circumstances over which the Defendant did

not have control and/or responsibility and/or by supervening, intervening and/or independent causes over which the Defendant did not have control and/or responsibility and it is denied that the accident was not caused in any manner whatsoever by the actions or inactions of the Defendant. To the contrary, the accident was caused by the negligence, carelessness and/or recklessness of the Defendant as set forth in Plaintiffs' Complaint. Strict proof to the contrary is demanded at trial.

28. Paragraph 28 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 28 is specifically denied. It is denied that the Plaintiffs' Complaint fails to state a valid cause of action pursuant to Pennsylvania's No Fault Motor Vehicle Act or Pennsylvania's Financial Responsibility Law. Strict proof to the contrary is demanded at trial.

29. Paragraph 29 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 29 is specifically denied. It is denied that, pursuant to the provisions of the Pennsylvania Financial Responsibility Law, the Plaintiffs are prohibited from pleading, proving and/or recovering any medical bills and/or expenses in this matter. Strict proof to the contrary is demanded at trial.

30. Paragraph 30 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 30 is specifically denied. It is denied that the Plaintiffs' rights to bring this lawsuit against the Defendant is or may be barred or limited by the limited tort option of the Pennsylvania Financial Responsibility Law. It is further denied that the limited tort option is applicable to the Plaintiffs. It is further denied that the Plaintiffs must prove that they are not covered by the limited tort option. To the contrary, Plaintiffs elected and/or are subject to the full tort option

in the instant matter. Strict proof to the contrary is demanded at trial.

31. Paragraph 31 of Defendant's New Matter states conclusions of law to which no response is required. Further, the Pennsylvania Rules of Civil Procedure provide that the affirmative defenses of contributory negligence and comparative negligence are deemed denied without need for a response. Further, the Pennsylvania Rules of Civil Procedure provide that any affirmative defenses that are not raised and pled with requisite specificity in the appropriate forum should be deemed waived. Thus, since the Defendant has failed to specify which provisions of the Pennsylvania Motor Vehicle Code she is raising as an alleged defense(s) to this matter, the same should be deemed waived. To the extent that a response is deemed necessary, Paragraph 31 is specifically denied. It is denied that recovery from any injuries or damages sustained by the Plaintiffs is barred or must be reduced by the alleged application of the Pennsylvania Comparative Negligence Act and/or the provisions of the Pennsylvania Motor Vehicle Code. By way of further answer and at all times relevant hereto, Plaintiffs acted in a careful, reasonable and prudent manner and in no way were contributorily negligent and/or comparatively negligent. Further, Plaintiffs were in full compliance with the Pennsylvania Motor Vehicle Code and the same does not provide any valid, viable and/or effective affirmative defenses to the Defendant in the instant matter. Strict proof to the contrary is demanded at trial.

32. Admitted.

33. Paragraph 33 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 33 is admitted in part and specifically denied in part. It is admitted that the Release contains the language quoted by the Defendant in Paragraph 33 of her New Matter. It is further admitted

that the Release was executed by Sarah G. Laux and witnessed accordingly. The remaining averments of Paragraph 33 of Defendant's New Matter are specifically denied. It is denied that pursuant to the terms of the Release that Defendant Plyler has been released from any claims other than Sarah Laux's claims for personal injury. Any other claims were not contemplated and/or considered by the parties and were not bargained for in said Release. It is further denied that Sarah Laux is capable or competent to release the claims of David Laux, Ashley Laux and/or Scott Laux. It is further denied that said Release in any way compromises the claims that she has for her children's medical bills. Strict proof to the contrary is demanded at trial.

34. Paragraph 34 of Defendant's New Matter states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 34 is specifically denied. It is denied that Sarah Laux's signing of the Release, cashing the settlement check and retaining the proceeds operated as an accord and satisfaction which discharged Defendant Ruth Plyler from any remaining indebtedness arising from the motor vehicle accident of March 27, 2005. By way of further answer, that position is contrary to Pennsylvania law and constitutes bad faith. Strict proof to the contrary is demanded at trial.

WHEREFORE, Plaintiffs request that this Honorable Court dismiss Defendant's New Matter and judgment be entered in their favor.

PLAINTIFFS' REPLY TO DEFENDANT'S NEW MATTER
PURSUANT TO PA.R.C.P. 2252(d)

35. Paragraph 35 of Defendant's New Matter Pursuant to Pa.R.C.P. 2252(d) merely incorporates by reference Paragraphs 1 through 34 of her Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) and, as such, no response is required. To the extent

that a response is deemed necessary, Plaintiffs specifically deny and repudiate any stance that could be perceived as accepting or endorsing any disavowments of negligence, liability and/or as accepting or endorsing any affirmative defenses therein espoused by the Defendant. Strict proof to the contrary is demanded at trial.

36. Paragraph 36 of Defendant's New Matter Pursuant to Pa.R.C.P. 2252(d) states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 36 is specifically denied. It is denied that any or all of the injuries or damages claimed by Plaintiffs, Sarah Laux, Ashley Laux and Scott Laux, are the direct, proximate result of the negligent, careless and reckless conduct of David Laux generally and in the following particulars:

- a. In operating his vehicle without having the vehicle under proper control;
- b. In stopping his vehicle suddenly and without warning on West Front Street (State Route 322);
- c. In suddenly and without warning stopping his vehicle to make a left-hand turn in an improper lane;
- d. In failing to keep a proper lookout for vehicles approaching behind prior to making a sudden and complete stop without warning;
- e. In failing to take appropriate evasive action for approaching vehicles;
- f. In failing to use his left turn signal when attempting to make an inappropriate left-hand turn on West Front Street in the improper lane;
- g. In bringing his vehicle to a complete stop without regard to other vehicles in traffic;

- h. In failing to warn other drivers that he was bringing his vehicle to a complete and sudden stop on West Front Street;
- i. In operating and/or stopping his vehicle in violation of 75 Pa.C.S. Section 3351(a), 75 Pa.C.S. Section 3331(b), 75 Pa.C.S. Section 3331(c), 75 Pa.C.S. Section 3331(d) and/or 75 Pa.C.S. Section 3714(a);
- j. In stopping his vehicle in the westbound lane of West Front Street awaiting to make a left hand turn into Sheetz which was not permitted through the appropriate signage.

It is further denied that David Laux was in any way negligent, careless or reckless in the above-captioned matter and it is denied that he acted in any of the above enumerated manners and/or that said conduct, the existence of which is specifically denied, was in any way the cause or contributing factor to the subject motor vehicle accident or the resulting injuries and/or damages. By way of further answer, the injuries and damages from the subject accident were caused and/or contributed to by the negligence, carelessness and/or recklessness or the Defendant as set forth more specifically in the Complaint in Civil Action. Strict proof to the contrary is demanded at trial.

37. Paragraph 37 of Defendant's New Matter Pursuant to Pa.R.C.P. 2252(d) states conclusions of law to which no response is required. To the extent that a response is deemed necessary, Paragraph 37 is specifically denied. It is denied that David Laux is solely liable to Plaintiffs, Sarah Laux, Ashley Laux and Scott Laux, for any injuries or damages sustained in the motor vehicle accident. It is further denied that, in the alternative, if liability is imposed on the Defendant, Ruth Plyler, that David Laux is liable to the Defendant, Ruth Plyler, for indemnity and/or contribution. It is further denied that Defendant, Ruth Plyler, is not liable in

the within matter. Strict proof to the contrary is demanded at trial.

WHEREFORE, Plaintiffs request that this Honorable Court dismiss Defendant's New Matter Pursuant to Pa.R.C.P. 2252(d) and judgment be entered in their favor.

Respectfully submitted,


MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

VERIFICATION

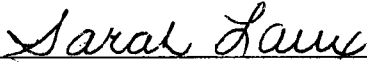
I, David Laux, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read "David Laux", is written over a horizontal line.

David Laux

VERIFICATION

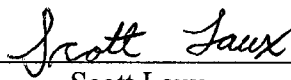
I, Sarah Laux, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.

A handwritten signature in cursive script, reading "Sarah Laux", is written over a horizontal line.

Sarah Laux

VERIFICATION

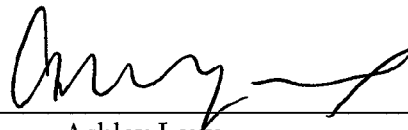
I, Scott Laux, verify that the averments of the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. §4904, relating to unsworn falsification to authorities.



Scott Laux

VERIFICATION

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

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

Ashley Laux

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

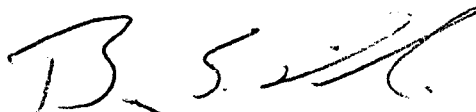
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' REPLY TO
DEFENDANT'S NEW MATTER** was mailed, U.S. First Class mail, to the following this

30th day of March, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219



Bryan S. Neiderhiser, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX,; SARAH LAUX, his
wife; ASHLEY LAUX, and
SCOTT LAUX,

Plaintiffs

vs.

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

Type of Case: Civil Action

No. 2006-02074-CD

Type of Pleading:

Praecipe for Entry of
Appearance

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Date: April 23, 2007

FILED NOCC
APR 24 2007 @

William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

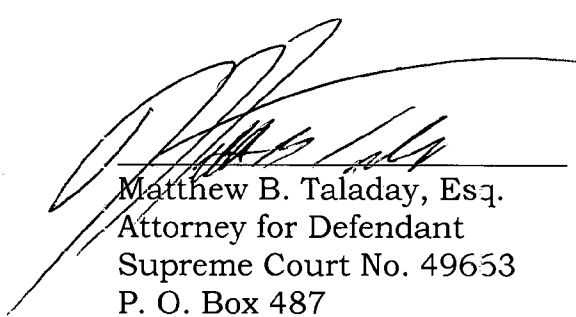
Additional Defendant

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Additional
Defendant, David Laux, for purposes of 2252(d) New Matter only in the
above captioned matter.

Dated: 04/23/07



Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49653
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

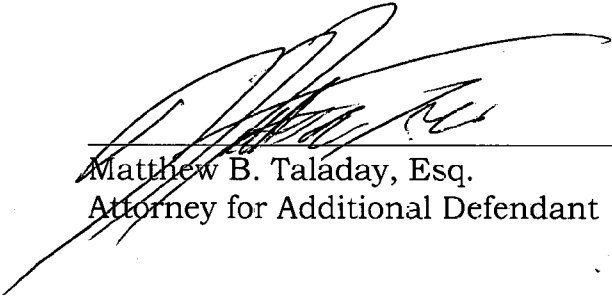
Additional Defendant

CERTIFICATE OF SERVICE

I certify that on the 23rd day of April, 2007, a true and
correct copy of Additional Defendant's Praecipe for Entry of Appearance
was sent via first class mail, postage prepaid, to the following:

Bryan S. Neiderhiser, Esq.
Attorney for Plaintiffs
P.O. Box 1107
Indiana, PA 15701

Kathleen A. Segmiller, Esq.
Attorney for Defendant
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219


Matthew B. Taladay, Esq.
Attorney for Additional Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

CERTIFICATE OF SERVICE

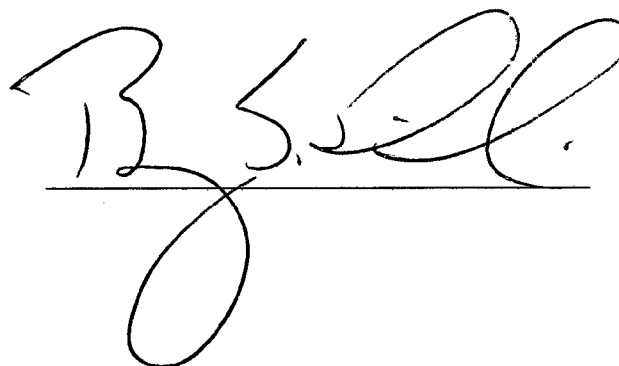
I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT** was mailed, U.S. First Class mail, to the following this 11th day of May, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

FILED

MAY 14 2007

W/11:20/0
William A. Shaw
Prothonotary/Clerk of Courts
1 # sent to Arg



ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT** was mailed, U.S. First Class mail, to the following this 11th day of May, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

FILED

MAY 14 2007
11-30

William A. Shaw
Prothonotary/Clerk of Courts

[Handwritten signature]

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF DAVID LAUX'S ANSWERS TO FIRST SET OF INTERROGATORIES** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED ICC Atty
m/jl:10um
JUN 14 2007

William A. Shaw
Prothonotary/Clerk of Courts


ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF DAVID LAUX'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED ICC 1447
mjj:100m
JUN 14 2007

William A. Shaw
Prothonotary/Clerk of Courts



ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF ASHLEY LAUX'S ANSWERS TO FIRST SET OF INTERROGATORIES** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED ICC AH
m/jl:locm
JUN 14 2007
(5)

William A. Shaw
Prothonotary/Clerk of Courts

Amly J. Bluta

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF ASHLEY LAUX'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED ICC AAA
m/jl/10 cm
JUN 14 2007
(S)

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF SCOTT LAUX'S ANSWERS TO FIRST SET OF INTERROGATORIES** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED ICC AHY
m/jl:ldcm
JUN 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

Candy J. Helter

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF SCOTT LAUX'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS** were mailed, U.S. First Class mail, to the following this 13th day of June, 2007:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

FILED *ICC AK*
m/jl:locm
JUN 14 2007

(Signature)
William A. Shaw
Prothonotary/Clerk of Courts

(Signature)
Cindy Holte

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

FILED ICCA Hy.
m/11:40 am
JUL 10 2007 (5)

William A. Shaw
Prothonotary/Clerk of Courts

**NOTICE OF DEPOSITION OF
RUTH PLYLER**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF DEFENDANT, RUTH PLYLER** to Counsel for Defendant, Kathleen A. Segmiller, Esquire, 3400 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **RUTH PLYLER** will be taken on oral examination at the law office of Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, DuBois, PA 15801, at 3:00 p.m. on Tuesday, August 7, 2007 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

Dated: July 9, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

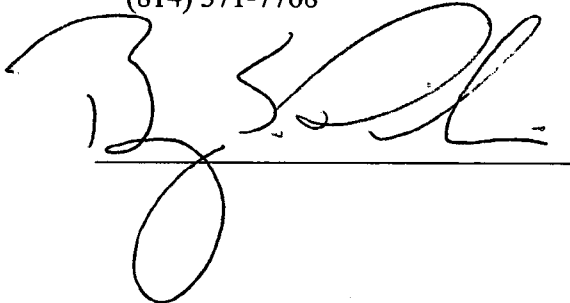
Additional Defendant

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION was served by U.S. First Class Mail, postage prepaid this 9th day of July 2007,
upon the following:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
DuBois, PA 15801
(814) 371-7768

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

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

**AMENDED NOTICE OF DEPOSITION
OF RUTH PLYLER**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED

m110:5761
JUL 12 2006

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

Please take note that the undersigned has served **AMENDED NOTICE OF DEPOSITION OF DEFENDANT, RUTH PLYLER** to Counsel for Defendant, Kathleen A. Segmiller, Esquire, 3400 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant

AMENDED NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **RUTH PLYLER** will be taken on oral examination at the law office of Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 3 South Brady Street / Suite 238, DuBois, PA 15801, at 3:00 p.m. on Tuesday, August 7, 2007 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

Dated: July 11, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

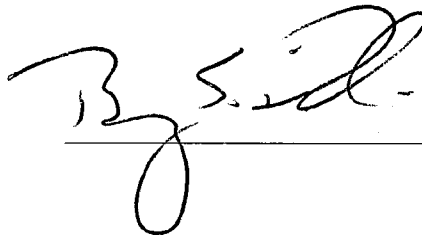
Additional Defendant

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing AMENDED NOTICE OF DEPOSITION was served by U.S. First Class Mail, postage prepaid this 11th day of July 2007, upon the following:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
3 South Brady Street / Suite 238
DuBois, PA 15801
(814) 371-7768



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION OF
GREG WINTERS**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED

OCT 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF WITNESS, GREG WINTERS** to Counsel for Defendant, Kathleen A. Segmiller, Esquire, 3400 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **GREG WINTERS** will be taken on oral examination at the law office of Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, PA 15801, at 10:00 a.m. on Wednesday, November 28, 2007 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

Dated: October 4, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

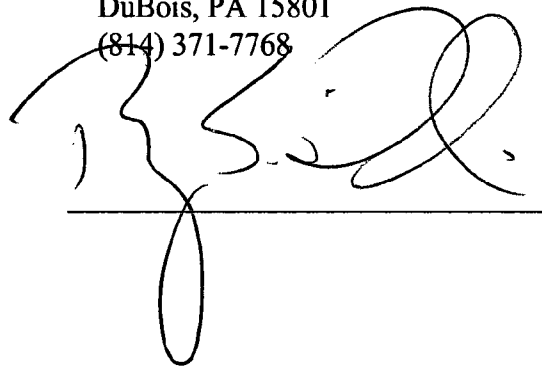
Additional Defendant

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION was served by U.S. First Class Mail, postage prepaid this 4th day of November
2007, upon the following:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
DuBois, PA 15801
(814) 371-7768

A handwritten signature in black ink, appearing to be "M. B. Taladay", is written over a horizontal line. The signature is stylized with large loops and a long vertical stroke extending downwards.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

**NOTICE OF DEPOSITION OF
CPL DAVID FYE**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED NO CC
OCT 09 2007
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

NOTICE OF SERVICE

Please take note that the undersigned has served **NOTICE OF DEPOSITION OF CPL, DAVID FYE** to Counsel for Defendant, Kathleen A. Segmiller, Esquire, 3400 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, on behalf of the Plaintiffs in the above-captioned action.

Respectfully submitted,

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant

NOTICE OF DEPOSITION
PURSUANT TO PA. R.C.P. 4007.1

Notice is given that, pursuant to Pa. R.C.P. No. 4007.1, the deposition of **CPL DAVID FYE** will be taken on oral examination at the law office of Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, PA 15801, at 10:30 a.m. on Wednesday, November 28, 2007 and at any and all adjournments thereof.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
MARCUS & MACK, P.C.
57 South Sixth Street
P.O. Box 1107
INDIANA, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

Dated: October 4, 2007

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

No. 2006-02074-CD

JURY TRIAL DEMANDED

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

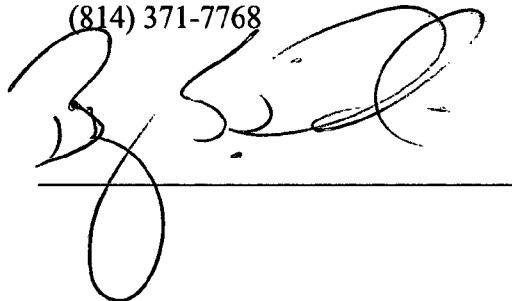
Additional Defendant

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF
DEPOSITION was served by U.S. First Class Mail, postage prepaid this 4th day of November
2007, upon the following:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
DuBois, PA 15801
(814) 371-7768



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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX,; SARAH LAUX, his
wife; ASHLEY LAUX, and
SCOTT LAUX,

Plaintiffs

vs.

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

Type of Case: Civil Action

No. 2006-02074-CD

Type of Pleading:

**Motion For
Summary Judgment**

Filed on Behalf of:

Additional Defendant

Counsel of Record for This
Party:

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

FILED NOCC
m10:503N
JUL 11 2008
G10

William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID LAUX; SARAH LAUX, his	:	
wife; ASHLEY LAUX; and	:	
SCOTT LAUX,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	No. 2006-02074-CD
	:	
RUTH PLYLER,	:	
	:	
Defendant	:	
	:	
vs.	:	
	:	
DAVID LAUX,	:	
Additional Defendant	:	

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Additional Defendant, David Laux, by and through his undersigned counsel, files this Motion for Summary Judgment pursuant to Pennsylvania Rule of Civil Procedure 1035.2(2), and in support thereof avers as follows:

1. A Complaint was filed by the Plaintiffs against Defendant Ruth Plyler for damages resulting from injuries sustained in a rear-end collision. The Complaint alleges that the accident was caused by the negligence of Ms. Plyler in the operation of her vehicle. Plaintiffs seek to impose liability on Ms. Plyler for damages resulting from her negligence in rear-ending the Laux vehicle.

2. In her Answer to the Complaint, Defendant asserts that David Laux was "stopped" in the left-hand lane attempting to make a left-hand turn, and that he stopped suddenly and without warning. (*Answer, Par. 5*).

3. Defendant asserted a cross-claim against David Laux by New Matter pursuant to Pa.R.C.P. 2252(d); and David Laux was named as an Additional Defendant.

4. The cross-claim alleges that the accident resulted from the negligent or careless conduct of David Laux in operating his vehicle. Specifically, the claims of negligence against David Laux include that he stopped his vehicle suddenly and without warning to make a left-hand turn, that he failed to use a turn signal in an attempt to make an inappropriate left-hand turn, and that he brought his vehicle to a complete and sudden stop without warning. The New Matter also alleges violations of the Motor Vehicle Code 75 Pa.C.S. Sections 3351(a), 3331(b), (c), (d) and 3714(a).

5. Relevant discovery is complete and includes: the deposition testimony of all parties; the deposition testimony of Clearfield Police Officer David Fye; and Officer Fye's Police Accident Report.

6. Defendant has failed to bring forth sufficient evidence to support the claims of negligence against David Laux.

7. Pennsylvania Rule of Civil Procedure 1035.2(2), permits summary judgment if, after the completion of discovery relevant to the motion, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issue to be submitted to a jury.

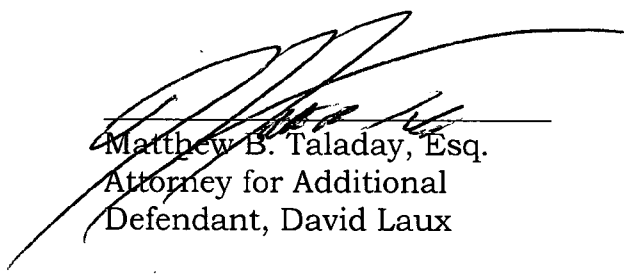
8. The record contains insufficient evidence to support the claims of negligence against Additional Defendant David Laux. Specifically, Defendant has failed to come forth with evidence to support the the cross-claim that David Laux made a complete and sudden stop without warning, and was therefore negligent or careless in the operation of his vehicle. Also, there has been no evidence presented to support the claims of negligence based on the statutory violations of the Vehicle Code alleged in Defendant's New Matter against David Laux.

9. Because Defendant has failed to produce evidence of facts essential to the cause of action set forth in the cross-claim against Additional Defendant David Laux, summary judgment must be granted.

10. In further support of this Motion, Additional Defendant incorporates the "Brief in Support of Motion for Summary Judgment" intended to be filed herewith.

WHEREFORE, Additional Defendant David Laux respectfully requests the Court grant summary judgment in favor of Additional Defendant and against Defendant on the cross-claim presented by Defendant's "New Matter pursuant to Pa.R.C.P. 2252(d)."

Respectfully Submitted,



Matthew B. Taladay, Esq.
Attorney for Additional
Defendant, David Laux

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

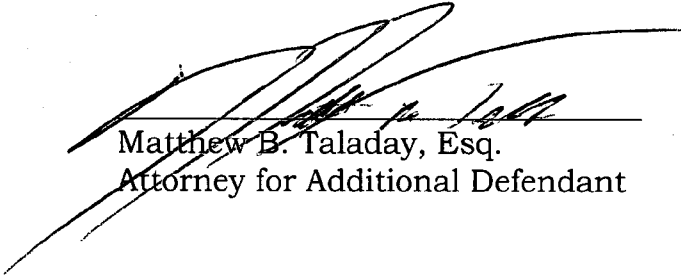
DAVID LAUX; SARAH LAUX, his	:	
wife; ASHLEY LAUX; and	:	
SCOTT LAUX,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	No. 2006-02074-CD
	:	
RUTH PLYLER,	:	
	:	
Defendant	:	
	:	
vs.	:	
	:	
DAVID LAUX,	:	
Additional Defendant	:	

CERTIFICATE OF SERVICE

I certify that on the 10th day of July, 2008, a true and correct copy of Additional Defendant's Motion for Summary Judgment was sent via first class mail, postage prepaid, to the following:

Bryan S. Neiderhiser, Esq.
Attorney for Plaintiffs
P.O. Box 1107
Indiana, PA 15701

Kathleen A. Segmiller, Esq.
Attorney for Defendant
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219


Matthew B. Taladay, Esq.
Attorney for Additional Defendant

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

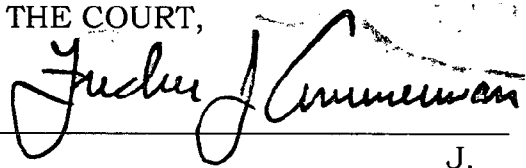
ORDER OF COURT

AND NOW, this 16th day of July, 2008,

upon consideration of Additional Defendant's Motion for Summary
Judgment,

IT IS HEREBY ORDERED AND DECREED that Argument is
scheduled to occur on the 1st day of September, 2008 at 9:00
A m. in Courtroom No. 1 of the Clearfield County Courthouse, 230
E. Market Street, Clearfield, Pennsylvania.

BY THE COURT,


J.

FILED

01/4:00 PM
JUL 17 2008

4CC
Amy Taladay

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/17/08

☒ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX, and
SCOTT LAUX,

Plaintiffs

vs.

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

Type of Case: Civil Action

No. 2006-02074-CD

Type of Pleading:

Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Date: July 22, 2003

FILED
m 110-3461
JUL 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

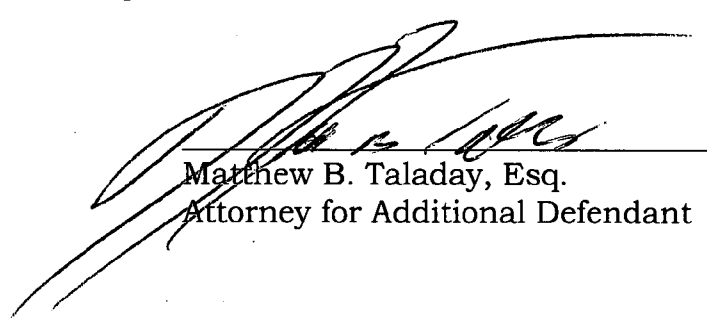
Additional Defendant

CERTIFICATE OF SERVICE

I certify that on the 22nd day of July, 2008, a true and
correct copy of Order of Court dated July 16, 2008 was sent via first
class mail, postage prepaid, to the following:

Bryan S. Neiderhiser, Esq.
Attorney for Plaintiffs
P.O. Box 1107
Indiana, PA 15701

Kathleen A. Segmiller, Esq.
Attorney for Defendant
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219



Matthew B. Taladay, Esq.
Attorney for Additional Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,
ASHLEY LAUX and SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

CIVIL DIVISION

No. 2006 - 02074 - CD

Code:

**PRAECIPE FOR BRIEFING SCHEDULE
PURSUANT TO LOCAL RULE 211**

Filed on behalf of Defendant,
Ruth Plyler

Counsel of Record for this Party:

Kathleen A. Segmiller
Pa. I.D. No. 62929

SEGMILLER & MENDICINO, P.C.
Firm No. 336
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884

JURY TRIAL DEMANDED

FILED No cc
m110:39/61
JUL 24 2008 (60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)	
ASHLEY LAUX and SCOTT LAUX,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
RUTH PLYLER,)	CIVIL DIVISION
)	
Defendant,)	No. 2006 - 02074 - CD
)	
vs.)	
)	
DAVID LAUX,)	
)	
Additional Defendant.)	

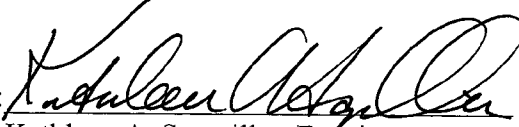
**PRAECIPE FOR BRIEFING SCHEDULE
PURSUANT TO LOCAL RULE 211**

TO THE CLEARFIELD COUNTY PROTHONOTARY;

Kindly direct the Court Administrator to establish a briefing schedule for Additional Defendant David Laux's Motion for Summary Judgment filed on or about July 11, 2008.

Respectfully submitted,

SEGMILLER & MENDICINO, P.C.

By: 
Kathleen A. Segmiller, Esquire
Pa. I.D. No. 62929
3400 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 227-5884
Attorneys for Defendant, Ruth Plyler

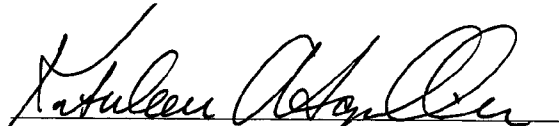
DATED: July 22, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of July, 2008, a true and correct copy of the foregoing **PRAECIPE FOR BRIEFING SCHEDULE PURSUANT TO LOCAL RULE 211** was served via United States First Class Mail, postage prepaid, upon the following counsel of record:

Bryan S. Neiderhiser, Esquire
Marcus and Mack, P.C.
57 S. 6th Street
P.O. Box 1107
Indiana, PA 15701

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801


Kathleen A. Segmiller, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX, his wife,)
ASHLEY LAUX and SCOTT LAUX,)

Plaintiffs,)

vs.)

RUTH PLYLER,)

Defendant,)

vs.)

DAVID LAUX,)

Additional Defendant.)

CIVIL DIVISION

No. 2006 - 02074 - CD

ORDER OF COURT

AND NOW, this _____ day of _____, 2008,
upon consideration of Defendant Ruth Plyler's Praecipe for Briefing Schedule for Additional
Defendant David Laux's Motion for Summary Judgment, it is hereby ORDERED and
DECREED that all responsive briefs are due to the Court Administrator of Clearfield County by
the _____ day of _____, 2008.

BY THE COURT

_____, J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX,; SARAH LAUX, his
wife; ASHLEY LAUX, and
SCOTT LAUX,
Plaintiffs

vs.

RUTH PLYLER,
Defendant

vs.

DAVID LAUX,
Additional Defendant

Type of Case: Civil Action

No. 2006-02074-CD

Type of Pleading:

**Exhibits to Motion For
Summary Judgment**

Filed on Behalf of:

Additional Defendant

Counsel of Record for This
Party:

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

Dated: 09/19/08

FILED
m18:5364 NO CC
SEP 22 2008 610

William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID LAUX; SARAH LAUX, his	:	
wife; ASHLEY LAUX; and	:	
SCOTT LAUX,	:	
Plaintiffs	:	
	:	
vs.	:	No. 2006-02074-CD
	:	
RUTH PLYLER,	:	
Defendant	:	
	:	
vs.	:	
	:	
DAVID LAUX,	:	
Additional Defendant	:	

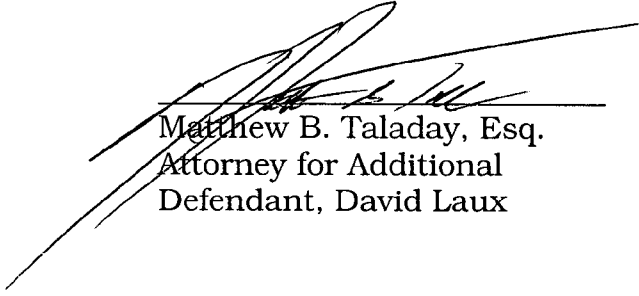
EXHIBITS TO MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Additional Defendant, David Laux, by and through his undersigned counsel, files this Supplement to the Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment in order to have relevant Exhibits made part of the record.

Attached hereto are the following Exhibits, intended to supplement the Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment filed on behalf of Additional Defendant, David Laux, and to be made part of the record in this matter:

- Exhibit 1 Relevant portions of the Transcript from the Deposition of David Laux, pages 1, 46-61.
- Exhibit 2 Relevant portions of the Transcript from the Deposition of Sarah Laux, pages 1, 2-9
- Exhibit 3 Relevant portions of the Transcript from the Deposition of Scott David Laux, pages 1, 18-29
- Exhibit 4 Transcript from the Deposition of Ruth Plyler
- Exhibit 5 Police Accident Report
- Exhibit 6 Relevant portions of the Transcript from the Deposition of David W. Fye, pages 1, 5-7, 13-19, 29-30

Respectfully Submitted,



Matthew B. Taladay, Esq.
Attorney for Additional
Defendant, David Laux

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX,
his wife, ASHLEY LAUX and
SCOTT LAUX,

Plaintiffs,) CIVIL DIVISION

vs.) No. 2006-02074 CD

RUTH PLYLER

Defendant,)

vs.

DAVID LAUX,)

Additional
Defendant.

DEPOSITION OF DAVID LAUX,
taken pursuant to the Pennsylvania Rules of Civil Procedure,
before Donna M. McMullen, Certified Merit Reporter-Notary
Public in and for the Commonwealth of Pennsylvania, on
Tuesday, August 7, 2007, at the offices of Hanak, Guido &
Taladay, 3 South Brady Street, DuBois, Pennsylvania
15801-2133, commencing at 11:56 o'clock a.m.

- - -

1 that day?

2 A. We were coming from church in Philipsburg.

3 Could I go to the bathroom before we get

4 started, please?

5 Q. Sure.

6 (Recess).

7 BY MS. SEG MILLER:

8 Q. Mr. Laux remembers another medication he was

9 on.

10 A. Dr. Hallstrom has prescribed another one

11 called Ultram, U-L-T-R-A-M, a non-listed opiate is what

12 it's called, a painkiller.

13 Q. Are you getting that at Eckerd Drugs?

14 A. Yes.

15 Q. You have copay on that?

16 A. Let's see. When it comes through the car

17 claim there's no copay.

18 Q. Back to the accident. You were coming from a

19 church in Philipsburg?

20 A. I had one other thing there.

21 Q. Oh, go ahead.

22 A. Fertilizer. We don't fertilize our yard

23 anymore. We have Spring Green come from Clarion and do

24 it.

25 Q. So that would be an out-of-pocket expense?

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1 prices. I said maybe we'll get some gas. I didn't

2 have to have gas. I had at least half a tank.

3 And we went over a bridge. I think it's

4 called the Nichols Street Bridge, and all I saw was

5 traffic everywhere. People trying to get in and out of

6 the place. It was mobbed, in other words.

7 I didn't see any way to go straight because

8 all the cars were stopped, and I didn't know how I was

9 going to get in there or anything. I turned right,

10 which was 322, headed west on that, and that's where we

11 were hit.

12 I went around the corner, and I looked over

13 there, and all you saw were cars, and I turned to my

14 wife to say, "We're not going to get gas there." And I

15 heard what you call a high-speed whine of an engine for

16 a fraction of a second, and then I heard the boom of

17 all booms. The loudest sound I ever heard in my whole

18 life. That's when we were hit.

19 Q. At the time was Route 322 also West Front

20 Street?

21 A. Yes, that's correct.

22 Q. When the boom happened was your vehicle still

23 moving or were you stopped?

24 A. I had slowed down. I had several cars in

25 front of me, and they had slowed down, so I slowed

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1 A. Yes. A lot more expensive than doing it

2 yourself and buying a bag of fertilizer.

3 Q. Do you have a receipt or anything from them?

4 A. If I kept it, yeah. I wrote them a check, so

5 I would have a copy of the check.

6 Would that be okay to print that on-line, my

7 bank statements on-line?

8 Q. Sure. You could just take everything else off,

9 that's fine (indicating). Coming from the church in

10 Philipsburg?

11 A. Okay. We went to church. We went to friends

12 of ours for lunch, Easter dinner, whatever you want to

13 call it. Got in the car, started home. It was around

14 two o'clock. It was a dark, cloudy day like this, only

15 it was probably in the 40's. The roads were dry.

16 I drove 322 West from Philipsburg to about

17 Clearfield. I decided that we weren't going to go

18 across to get on the interstate because they were

19 rebuilding two bridges over the Susquehanna River. Big

20 back-ups happened on the weekend. Sometimes, you know,

21 an hour, two, three hours. So we decided to go right

22 through town because 322 basically goes from Clearfield

23 to DuBois.

24 On the way we had discussed Sheetz had just

25 opened a new Sheetz, and there was a gas war with low

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1 down.

2 Q. Have you, since the time of the accident, seen

3 a copy of the Clearfield Borough Police Department

4 Report?

5 A. No, I haven't.

6 Q. According to the police report, they said you

7 were stopped. The accident took place as Unit 2 was

8 stopped in the westbound lane of West Front Street. Were

9 you not stopped?

10 A. No, I was not stopped. I had slowed down. I

11 wasn't stopped.

12 Q. Do you know where the police officers would

13 have gotten the information you were stopped?

14 A. I told him that I was looking to get gas, and

15 I told him I had slowed down, and that's when I was

16 hit. It's about at that point in the conversation

17 that's all that he asked me.

18 Q. Can you describe West Front Street in that area

19 for me?

20 A. Well, it's a relatively new road. It's three

21 lanes, it's level, it's concrete. And for I'd say

22 200 yards goes in a straight line.

23 Q. Is there a turning lane, to your knowledge?

24 A. Yeah, there's a turning lane there. Yes.

25 Q. When the accident occurred -- take a look here

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1 at the Clearfield Police Department Report. They
 2 indicate there's a turning lane in the middle.
 3 A. Umm-hmm.
 4 Q. Does this kind of represent what that area
 5 looked like to you? If it does, if it doesn't, that's
 6 okay.
 7 A. Okay.
 8 Q. Well, no, I want to know.
 9 A. Well, okay, there's a turning lane there,
 10 yeah. There's a turning lane.
 11 Q. When the accident happened were you in the
 12 northbound lane or were you in the turning lane?
 13 A. Well, there was no northbound lane.
 14 Q. Well, it says north. Is that not accurate?
 15 A. That's not accurate.
 16 Q. So, this is -- actually, you were traveling
 17 west?
 18 A. The road goes west and it goes east. I was
 19 traveling west.
 20 Q. Where it says north it actually should be west?
 21 A. I'd have to go run a compass check.
 22 Q. That's okay.
 23 A. The road might go west this way (indicating),
 24 and then north this way (indicating).
 25 MR. NEIDERHISER: It's known as 322.

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1 A. Stopping in the middle of the road, in front
 2 of a business district.
 3 Q. And did you pay a fine or did you fight that
 4 ticket?
 5 A. I fought that.
 6 Q. My understanding was it was dismissed?
 7 A. Exactly.
 8 Q. Did you talk to a police officer at the scene?
 9 A. Yes, we did.
 10 Q. Do you recall the name of the police officer
 11 you spoke with?
 12 A. David Fye spelled F-Y-E.
 13 Q. Did you know Officer Fye prior to this
 14 accident?
 15 A. No, I did not.
 16 Q. Did he show up at the hearing for your ticket?
 17 A. Yes, he did. Actually, it was a trial, but,
 18 yes.
 19 Q. Was it in front of the district magistrate?
 20 A. Well, no, this was in front of Judge Reilly.
 21 MR. NEIDERHISER: It was my understanding
 22 from a conversation that it was appealed to Judge
 23 Reilly.
 24 MS. SEGMILLER: Okay.
 25 MR. NEIDERHISER: A trial court level.

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1 Q. And you're traveling on 322 West?
 2 A. Umm-hmm.
 3 Q. And when the accident happened, were you in the
 4 westbound lane or the turning lane?
 5 A. I was in the westbound lane.
 6 Q. The police report only shows two vehicles. Was
 7 there other traffic in the area at the time of the
 8 accident?
 9 A. Oh, yes, there was. Again, traffic was very
 10 heavy.
 11 Q. When the accident happened were you attempting
 12 to make a left into the Sheetz?
 13 A. No, I wasn't. No.
 14 Q. Did you have on a turn signal?
 15 A. No, I didn't.
 16 Q. Do you know if your brake lights were on?
 17 A. I wouldn't have any way of knowing. I'd have
 18 to get out of the car and look, and I didn't.
 19 Q. Was your foot on the brake?
 20 A. Oh, my foot was on the brake, yes, when we
 21 were hit because I was in the process of slowing down.
 22 Q. Did you receive any citation as a result of the
 23 accident?
 24 A. Initially I did, yes.
 25 Q. What was it for?

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1 BY MS. SEGMILLER:
 2 Q. Was there a court reporter there?
 3 A. Yes, there was.
 4 Q. Do you have any of the paperwork from the
 5 citation or any of the appeal process?
 6 A. Yes, I do.
 7 Q. Can you give that to your counsel, a copy of
 8 it?
 9 After the impact occurred, can you tell me
 10 what happened to your body in the car?
 11 A. Well, I was in the seat, had both hands on
 12 the steering wheel, and at the point of impact I turned
 13 like this to my wife (indicating), which would be to
 14 the right in order to address her.
 15 When I was hit, my head went right
 16 (indicating) into the back of the seat (indicating) and
 17 the head rest part, and then I bounced forward
 18 (indicating) off the steering wheel.
 19 Q. Prior to the impact had you seen Mrs. Plyler's
 20 vehicle behind yours?
 21 A. No, ma'am.
 22 Q. Do you know when her vehicle had come behind
 23 you?
 24 A. Well, I heard that instantaneous whine of a
 25 high-speed engine and a very loud boom of impact.

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- 1 Q. And just so I understand, you had not seen her
2 vehicle?
- 3 A. No.
- 4 Q. Prior to this impact?
- 5 A. No, ma'am.
- 6 Q. Were you aware of any vehicles following your
7 vehicle as you traveled on Route 322?
- 8 A. No, I was not.
- 9 Q. How about coming in the other direction
10 traveling east? Was there traffic in that direction?
- 11 A. There was traffic coming west or eastbound,
12 yes.
- 13 Q. After the impact occurred what did you do?
- 14 A. Well, the car was knocked forward a given
15 distance, and I stopped the car and put it in park. I
16 believe the engine was knocked off.
- 17 And I got out of the car -- well, first of
18 all, I didn't get out of the car. I looked in the rear
19 view mirror to see what happened, and I saw a light
20 colored car right up against us, and then I saw the car
21 go backwards.
- 22 Q. How long after the impact did you see the car
23 go backwards?
- 24 A. One or two seconds.
- 25 Q. Did you see the person driving the car?

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- 1 lengths. I had to walk a little ways to go back there.
2 I went back to see, you know, what was going on. I
3 went back to see who was driving.
- 4 Q. Did you have a conversation with Ms. Plyler?
- 5 A. I wouldn't call it a conversation, no.
- 6 Q. What would you call it?
- 7 A. Well, she got out of the car, and I got a
8 combination cussing and incoherent babbling. She was
9 looking at me. She was looking right, she was looking
10 left, and it looked to me like she was just totally
11 dazed.
- 12 And I told her to get back in the car. I
13 didn't know what else to tell her. I didn't feel like
14 telling her to lay on the pavement or anything.
- 15 I told her get back in the car, and she just
16 kept it up. So we went away from our car and went
17 across the street into a parking lot at JG Warehouse, a
18 food warehouse, and waited for the police.
- 19 Q. Did you drive your car there, or did you leave
20 the car where it was?
- 21 A. Well, left it, you know, where the car came
22 to rest is where I left it.
- 23 Q. Was it drivable after the impact?
- 24 A. According to the police, no. They called a
25 flat bed and towed it away.

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- 1 A. I saw a person driving a car.
- 2 Q. Did you get out of your vehicle at any time?
- 3 A. Well, after she hit the car behind her, I
4 kind of gingerly got out of the car.
- 5 Q. How do you know she hit the car behind her?
- 6 A. Well, from what I saw in the rear view
7 mirror, the car went back (indicating) and hit, boom,
8 did like this (indicating).
- 9 Q. Kind of went back and forth?
- 10 A. Well, it hit banging and rocked (indicating)
11 on its suspension.
- 12 Q. So it went backwards and then went forwards?
- 13 A. Say that again.
- 14 Q. It went backwards and forwards? I'm just
15 trying to describe what you're doing so she can take it
16 down.
- 17 A. From what I saw in the rear view mirror, it
18 went backwards. I didn't see it come forward again. I
19 just saw it rock on its suspension.
- 20 Q. How many impacts were there to the back of your
21 vehicle?
- 22 A. One.
- 23 Q. And how close was Ms. Plyler's vehicle to your
24 vehicle after that first impact?
- 25 A. Umm, I'm going to say maybe one or two car

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- 1 Q. Did any other of your family members have a
2 conversation with Ms. Plyler?
- 3 A. Well, it was more like we were all standing
4 there together, and we were listening to what she had
5 to say or what was coming out of her mouth.
- 6 Q. And it was a combination of cussing and
7 incoherent babbling. Was she saying anything that you
8 understood?
- 9 A. Not really, no. Not that I can recall.
- 10 Q. Did she talk with you about whether you were
11 all right or whether she was all right?
- 12 A. I told her later when the police were there,
13 I said, "Look what you did to that kid over there," my
14 daughter. And she just went, huh, like that.
15 Contemptible.
- 16 Q. When you said what you did to that kid over
17 there, which child were you talking about?
- 18 A. I mentioned my daughter, Ashley.
- 19 Q. What was wrong with Ashley at the time?
- 20 A. Well, her head was back (indicating) against
21 the seat and, of course, it hit something back there
22 from the collision.
- 23 Q. Was she bleeding or something?
- 24 A. There was some blood in the car, but she was
25 crying because she hurt so bad.

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724-728-4026

1 Q. You mentioned before that your car was slowing
2 down. Do you know what miles per hour or speed you were
3 traveling?

4 A. Well, the speed limit up there was 25, and I
5 was slowing down to probably 10 or 15.

6 Q. Do you know what speed your vehicle was hit at,
7 what the speed of the Plyler vehicle was?

8 A. There was no way I would know that.

9 Q. If you don't know that's fine.

10 A. I mean, I'd have to be in her car to know. I
11 know the engine was very loud and when we got hit we
12 were knocked several car lengths right down the road.

13 Q. So your vehicle was knocked car lengths
14 forward?

15 A. I was knocked forward, yes.

16 Q. Do you know how many car lengths?

17 A. Several. Again, I didn't measure it. A
18 little distance.

19 Q. What kind of damage was done to the rear of
20 your vehicle?

21 A. Well, I know the rear window was broken, and
22 I know that the trunk area and all the interior where
23 the SUV trunk was all mangled and bent.

24 Q. And was it towed from the scene?

25 A. Yeah, by a flat bed, yes.

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724-728-4026

1 Q. Do you know the name of the person?

2 A. Well, it was an Erie adjustor. I think his
3 name was Swearer or Sweringen.

4 MR. TALADAY: Off the record.
5 (discussion off the record.)

6 BY MS. SEG MILLER:

7 Q. Did you ever give a recorded statement to
8 anybody at Erie? Did anybody call you on the phone and
9 say can you tell me what --

10 A. Well, I told the adjustor over the phone. I
11 remember that specifically.

12 Q. Did they ever tell you that conversation was
13 being taped?

14 A. I don't recall.

15 Q. Other than your family, the police officer and
16 Ms. Plyler, did you talk with anybody else at the
17 accident scene?

18 A. I had a brief conversation with the
19 individual driving the third car.

20 Q. What was the substance of that conversation?

21 A. I believe he came over to me, I think, when
22 we were over across here at the Food Warehouse parking
23 lot (indicating), and I said, "Did you see it?"

24 He said, "Yeah, I was right behind her." I
25 said, "Well, She did hit you?" And he said, oh, yeah.

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724-728-4026

1 Q. Was that vehicle ever repaired?

2 A. That I don't know. It was traded in, back to
3 the dealer, and I gave the dealer the insurance check.
4 They had told me they were going to try to repair it.
5 They told me they didn't repair it, and then they told
6 me they were in a big argument with my insurance
7 company over whether it could be repaired or not. One
8 guy over there once told me they went to a salvage yard
9 in Warren, Pennsylvania. I don't really know.

10 Q. To your knowledge were any photographs taken of
11 your vehicle?

12 A. Yes, there were.

13 Q. Who took them?

14 A. I believe I did.

15 Q. Do you have copies of those photographs?

16 A. I gave them to my counsel.

17 Q. Did your insurance company come and take any
18 photographs, to your knowledge?

19 A. I don't know because I don't know that they
20 were there more than I was at the car. They came to
21 the salvage yard with me one day. We rode over with
22 them, and he said get everything out of your car
23 because I'm going to total it. I know he had a camera,
24 but I don't know if he took pictures because I was busy
25 getting everything out of the car.

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724-728-4026

1 He said, "You know, I've been hit 27 times." I said,
2 "You mean you've been in 27-some accidents." He said
3 yes. And that's basically all I said to him.

4 Q. Did you talk to him about your medical
5 condition?

6 A. No, I wouldn't have any reason to talk to him
7 about my medical condition.

8 Q. Did he ask you if everybody was okay?

9 A. I don't believe that he did.

10 Q. How about the police officers? Did they ask if
11 anybody was all right?

12 A. I believe they asked.

13 Q. Do you know who called the police?

14 A. My daughter did. Everybody that was there,
15 going every different direction, just kept on going
16 after we were hit. We kind of thought somebody would
17 call and nobody did, so she got on her cell phone and
18 called 911.

19 Q. Do you know who called the ambulance?

20 A. The police department.

21 Q. Do you know what ambulance service arrived?

22 A. It was Clearfield Ambulance Service. There
23 is only one there.

24 Q. Did you receive any treatment from the
25 Clearfield Ambulance Service?

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724-728-4026

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX,
his wife, ASHLEY LAUX and
SCOTT LAUX,

Plaintiffs,) CIVIL DIVISION

vs.) No. 2006-02074 CD

RUTH PLYLER

Defendant,)

vs.

DAVID LAUX,)

Additional
Defendant.

DEPOSITION OF SARAH LAUX,
taken pursuant to the Pennsylvania Rules of Civil Procedure,
before Donna M. McMullen, Certified Merit Reporter-Notary
Public in and for the Commonwealth of Pennsylvania, on
Tuesday, August 7, 2007, at the offices of Hanak, Guido &
Taladay, 3 South Brady Street, DuBois, Pennsylvania
15801-2133, commencing at 3:00 p.m.

- - -

1 A P P E A R A N C E S
2 On behalf of the Plaintiffs:
3 Bryan S. Neiderhiser, Esquire
4 Marcus & Mack
5 57 South 6th Street
6 P.O. Box 1107
7 Indiana, PA 15701
8 On behalf of the Defendant Plyler:
9 Kathleen A. Segmiller, Esquire
10 Segmiller & Mendicino, P.C.
11 3400 Gulf Tower
12 707 Grant Street
13 Pittsburgh, PA 15219
14 On behalf of the Additional Defendant:
15 Matthew B. Taladay, Esquire
16 HANAK, GUIDO & TALADAY
17 498 Jeffers Street
18 P.O. Box 487
19 DuBois, PA 15801

20 I N D E X
21 EXAMINATION BY PAGE
22 Sarah Laux Ms. Segmiller 3
23 MARKED FOR
24 IDENTIFICATION
25 OBJECTIONS
(no exhibits)
(no objections)

Donna M. McMullen, Inc.
724-728-4026

1 question, even though you probably know what I'm going
2 to ask before you answer just so that we're not talking
3 over each other.
4 Those are the basic ground rules. Do you
5 have any questions?
6 A. No.
7 Q. Can you please state your name for the court
8 reporter?
9 A. Sarah Gearhart Laux.
10 THE COURT REPORTER: Spell your middle
11 name.
12 A. G-E-A-R-H-A-R-T.
13 Q. And, Mrs. Laux, can you just tell me a little
14 bit about, are you employed currently?
15 A. Yes, I am.
16 Q. Where do you work?
17 A. Clearfield Area School District.
18 Q. What do you do there?
19 A. I am currently Title I Math teacher.
20 Q. And how long have you been employed there?
21 A. Twenty-nine years.
22 Q. What is Title I Math?
23 A. I work with remedial.
24 Q. Oh, okay.
25 A. Between regular ed and special ed. I'm that

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724-728-4026

1 P R O C E E D I N G S
2 (3:00 p.m.)
3 SARAH LAUX, the deponent, having been first
4 duly sworn, was deposed and testified as follows:
5 EXAMINATION
6 BY MS. SEG MILLER:
7 Q. Mrs. Laux, my name is Kassie Segmiller, and
8 I've been deposing your whole family as they come in.
9 A. There's one more.
10 Q. I know. I'm just going to ask you some
11 questions about the March 27th, 2005 accident, and
12 we'll just stick with the accident because you've already
13 settled your personal injury claim so we don't need to
14 get into all that, plus it's getting tiring.
15 So that's what I want to know about and how
16 this accident has kind of affected you and the loss of
17 consortium claim, so I think we'll be able to do you
18 quickly.
19 And if at any time you don't understand my
20 question just ask me to repeat it, and I'll be happy
21 to. If you want to talk to your attorney we can take a
22 break or if you need a break for any other reason. The
23 most thing is not to nod your answer, but answer
24 verbally so that Donna doesn't have to interpret what
25 you're trying to say. And wait for me to finish my

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1 layer in between (indicating).
2 Q. Do you teach high school?
3 A. No.
4 Q. What grades?
5 A. Kindergarten, second and fourth grade.
6 Q. And do you remember the accident of
7 March 27th, 2005?
8 A. Yes, I do.
9 Q. Can use tell me in your words what happened
10 that day?
11 A. We were on our way home from church and
12 decided to go through Clearfield rather than take the
13 interstate because of road construction, and the new
14 Sheetz had just opened. We had thought about stopping
15 for gas and were looking at the new Sheetz.
16 We had traffic in front of us. We were going
17 slowly, and I remember a loud boom, and that was being
18 hit from behind.
19 Q. Can you give me an estimate of what speed you
20 were traveling?
21 A. I'm thinking maybe ten, fifteen miles an hour
22 because there was traffic in front of us that had
23 slowed.
24 Q. When the accident or impact occurred was your
25 car still moving?

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1 A. I believe so.
 2 Q. What lane were you in on West Front Street or
 3 Route 322?
 4 A. We were on the right-hand lane.
 5 Q. Had you ever seen Mrs. Plyler's car before the
 6 impact occurred?
 7 A. No.
 8 Q. Do you know the speed limit on that roadway?
 9 A. I know it's either 25 or 35.
 10 Q. Prior to the impact did you hear anything?
 11 A. I just heard the boom when she hit us.
 12 Q. Did you hear any squealing of brakes or a horn
 13 or anything like that?
 14 A. No.
 15 Q. Prior to the impact was anything happening in
 16 the car? Were you talking to anybody?
 17 A. My husband and I may have been talking. We
 18 were talking because we were talking about whether we
 19 were going to get gas or not or just continue home.
 20 Q. Were you in the front passenger --
 21 A. Yes.
 22 Q. -- seat?
 23 A. Yes, I was.
 24 Q. After the impact did you get out of the car?
 25 A. Yes.

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1 was saying. My husband was upset.
 2 Q. Was he loud?
 3 A. When he was upset?
 4 Q. Yes.
 5 A. Umm-hmm, yeah.
 6 Q. Was there yelling going on between Mrs. Plyler
 7 and your husband?
 8 A. I believe there may have been. I'm not
 9 positive about that.
 10 Q. Did you hear any of the yelling that was going
 11 on back and forth?
 12 A. I could not tell you word for word or
 13 anything that was said. I just heard voices.
 14 Q. But you never specifically had a conversation
 15 with Mrs. Plyler?
 16 A. No.
 17 Q. Did you speak with the police officers that
 18 came?
 19 A. Yes, I did.
 20 Q. Do you know which police officer you talked
 21 with?
 22 A. I have no idea.
 23 Q. Did you tell them how the accident happened?
 24 A. Yes. And at that point the car was still in
 25 the middle of the street. They had to make

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1 Q. Did you have any conversations with anybody?
 2 A. Our family, checking to make sure everyone
 3 was okay.
 4 Q. Did you talk to your kids?
 5 A. Yes.
 6 Q. What did they tell you? You can take them one
 7 at a time.
 8 A. Ashley had been asleep. She couldn't get her
 9 door opened at first so we were working on getting the
 10 door opened. We did get her out, and she called 911,
 11 and my son said that he wasn't feeling well.
 12 Q. Did he tell you how he was feeling or why?
 13 A. He said he felt sick.
 14 Q. How was Ashley doing?
 15 A. She was on the cell phone with the police.
 16 Q. Did you have any conversations with
 17 Mrs. Plyler?
 18 A. No.
 19 Q. To your knowledge, did anybody in your family
 20 talk with her?
 21 A. I believe my husband did.
 22 Q. Do you know the substance of that conversation?
 23 A. No, I was with my son.
 24 Q. Did you hear any yelling?
 25 A. I heard her talking. I'm not sure what she

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1 arrangements to have it towed because it wouldn't
 2 start, and they also made arrangements for us to go by
 3 ambulance to the hospital.
 4 Q. Did you look at your car after the accident?
 5 Did you see any damage to your vehicle?
 6 A. Immediately after the accident?
 7 Q. Or at any time before you left --
 8 A. Yes.
 9 Q. -- the accident scene?
 10 A. Yes.
 11 Q. Can you describe for me the damage to your
 12 vehicle?
 13 A. The back end was pushed in on the right side.
 14 It was pushed against the tire, which is why we could
 15 not move the car, and that's also the side that had the
 16 door jammed so we actually couldn't get out.
 17 Q. When you talk about trying to get the door open
 18 were you guys doing it from the inside or the outside?
 19 A. I don't remember. Just trying to get her
 20 out. I don't know.
 21 Q. That's all right. Do you know who was working
 22 to get the door unjammed?
 23 A. She was trying to get it opened and my
 24 husband and I were trying to help her get it open so
 25 she could get out.

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH LAUX,
his wife, ASHLEY LAUX and
SCOTT LAUX,

Plaintiffs,) CIVIL DIVISION

vs.) No. 2006-02074 CD

RUTH PLYLER

Defendant,)

vs.

DAVID LAUX,)

Additional
Defendant.

DEPOSITION OF SCOTT DAVID LAUX,
taken pursuant to the Pennsylvania Rules of Civil Procedure,
before Donna M. McMullen, Certified Merit Reporter-Notary
Public in and for the Commonwealth of Pennsylvania, on
Tuesday, August 7, 2007, at the offices of Hanak, Guido &
Taladay, 3 South Brady Street, DuBois, Pennsylvania
15801-2133, commencing at 2:04 p.m.

- - -

- 1 A. High school.
 2 Q. How about at Allegheny?
 3 A. No.
 4 Q. Were you able to maintain being on the honor
 5 role in high school after the accident?
 6 A. In the twelfth grade I believe that I was not
 7 on the honor role most of the year.
 8 Q. Do you attribute that in anyway to the
 9 accident?
 10 A. I'm not sure.
 11 Q. Did any of your medical providers ever give you
 12 any certificate or note that you couldn't participate in
 13 gym class?
 14 A. No.
 15 Q. Were you able to participate in gym class?
 16 A. Actually when I was experiencing severe
 17 symptoms from the accident I wasn't having physical
 18 education class at that time, and until I started to
 19 get better I didn't have that class, and then I did,
 20 when I was starting to feel better, so it wasn't an
 21 issue for me.
 22 Q. When did you have PE class?
 23 A. I don't remember.
 24 Q. Was it your twelfth grade, senior year?
 25 A. Yeah.

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- 1 Q. When you saw Dr. Bellomo before March of '05
 2 did you have any problems with your neck or your shoulder
 3 or your back?
 4 A. No.
 5 Q. Prior to the accident I know you mentioned the
 6 one school bus accident. Had you ever had any problems
 7 with any of those areas that were injured in the March of
 8 '05 accident?
 9 A. Not in my back and shoulder area.
 10 Q. Had you ever had any diagnostic studies before
 11 this accident, like an MRI or CT scan?
 12 A. I believe I had a CT scan a few years back
 13 regarding migraine headaches that I was getting checked
 14 for abnormalities in my brain.
 15 Q. Who ordered that?
 16 A. I don't remember which doctor it was.
 17 Q. Were the migraine headaches affected by the
 18 accident at all?
 19 A. I'm not sure.
 20 Q. Did you ever talk to any physician about that?
 21 A. Yes.
 22 Q. Who did you talk to?
 23 A. I believe Dr. Bellomo, possibly the physician
 24 before that, which would have been Dr. Parlavecchio.
 25 Q. Did they give you anything, like a medication

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- 1 Q. Did any injuries from the accident affect you
 2 in any other ways in terms of activities, hobbies or
 3 anything like that?
 4 A. Just limited my ability to get exercise in
 5 some cases.
 6 Q. Was that something you did a lot of before the
 7 accident?
 8 A. Not a lot of.
 9 Q. Did you have a gym membership or anything like
 10 that?
 11 A. I believe I did my senior year of high
 12 school.
 13 Q. How about when the accident happened in your
 14 junior year?
 15 A. I don't remember.
 16 Q. Any other type of sports or leagues or anything
 17 like that?
 18 A. No.
 19 Q. If you think of anything just let me know.
 20 A. Okay.
 21 Q. Prior to March of '05 did you have a primary
 22 care physician?
 23 A. I believe it was Dr. Bellomo.
 24 Q. How long had you seen Dr. Bellomo?
 25 A. A few years. I'm not sure how many years.

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- 1 for your migraines?
 2 A. I was on several medications, some of which
 3 were daily and some of which were as-needed, which I
 4 would only take them when I had a migraine.
 5 Q. Did that change at all after the accident? Did
 6 you get a different prescription?
 7 A. The prescriptions did not change. The
 8 frequency of migraines increased, though.
 9 Q. How did they increase?
 10 A. I get two or three every week as opposed to
 11 maybe once every week or two weeks for a few months at
 12 least.
 13 Q. And that lasted for a few months?
 14 A. (Witness indicating affirmatively.)
 15 Q. Did it resolve itself?
 16 A. It decreased over time. I still get migraine
 17 headaches.
 18 Q. Any other medical conditions that you treated
 19 for for this accident?
 20 A. Not that I'm aware of.
 21 Q. Do you remember the accident of March 27th,
 22 2005?
 23 A. I don't remember the accident itself because
 24 I was half a sleep. I was in the process of falling a
 25 sleep really when the car struck us from behind.

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- 1 Q. When the accident happened were your eyes
2 closed?
- 3 A. Yes.
- 4 Q. While you were in the car and the impact
5 occurred was your car moving or was it stopped?
- 6 A. The car was still moving.
- 7 Q. Can you give me an estimate of the speed?
- 8 A. I'm not sure.
- 9 Q. Was it maintaining a constant speed?
- 10 A. I can't remember.
- 11 Q. When was the last time you had been paying
12 attention before you were half a sleep? Did you ever see
13 Mrs. Plyler's vehicle?
- 14 A. No, I did not before the accident.
- 15 Q. Had you been half a sleep since you left the
16 lunch that you guys had been at?
- 17 A. No. It had only been five or ten minutes
18 that I had really had my eyes closed and trying to
19 sleep.
- 20 Q. Are you familiar with West Front Street?
- 21 A. No, I'm not.
- 22 Q. Do you know how many lanes that road is?
- 23 A. I'm not sure.
- 24 Q. Do you know what lane your vehicle was in when
25 the accident occurred?

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- 1 A. I just remember the crunching sound mostly
2 and then getting out of the car and seeing the car and
3 feeling sick to my stomach because the back end was so
4 twisted. And my most immediate thought after that was
5 that the last few months I had been pretty much fully
6 recovered from my previous accident and my neck was
7 starting to feel almost perfect again, my back was
8 starting to feel perfect again, my shoulders. My whole
9 body was almost completely recovered from my previous
10 accident, and then, you know, I just remember thinking
11 it would figure that as soon as I get better I get hit
12 again.
- 13 Q. And that was the accident you had in ninth
14 grade?
- 15 A. Yes, on the bus.
- 16 Q. Had you been treating from the bus accident to
17 the time, to March of '05? Had you had treatment from
18 the bus accident?
- 19 A. Yes, I did, from P&G physical therapy.
- 20 Q. Had you been at therapy for two years?
- 21 A. I don't remember how long I went there, but I
22 believe I also went to Keystone Rehabilitation for the
23 bus accident.
- 24 Q. Had you gone to the Emergency Room for the bus
25 accident?

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- 1 A. The right-hand lane.
- 2 Q. Did you notice any traffic prior to the
3 accident?
- 4 A. No.
- 5 Q. Had there been any conversation going on in the
6 car before the accident?
- 7 A. I think my parents were talking, but I wasn't
8 really paying attention to what they were saying.
- 9 Q. Do you know the location on West Front Street
10 where the accident occurred?
- 11 A. I do remember after the accident seeing it.
- 12 Q. And what area was that?
- 13 A. It was on the road right before, right after
14 the Sheetz. I'm not entirely sure where the vehicle
15 was before we were hit.
- 16 Q. Were there any plans to stop at Sheetz that you
17 know of?
- 18 A. I'm not really sure.
- 19 Q. Did you have any plans to stop at all on your
20 way home?
- 21 A. Not that I know of. Like I said, I was half
22 a sleep, and I wasn't paying attention to what my
23 parents were talking about.
- 24 Q. Can you describe for me what you recall about
25 the accident?

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- 1 A. I did, but not until a few hours after the
2 accident.
- 3 Q. What Emergency Room did you go to?
- 4 A. DuBois.
- 5 Q. Anyplace else you treated for that bus
6 accident?
- 7 A. Not that I know of.
- 8 Q. After you got out of the car can you tell me
9 what happened?
- 10 A. The only things that I remember are getting
11 out of the car, looking at the car, and then after that
12 all I remember is being on the sidewalk waiting for the
13 police and feeling like I was going to throw up and
14 pass out.
- 15 Q. Did any of that happen?
- 16 A. No.
- 17 Q. Did you have any conversations with
18 Mrs. Plyler?
- 19 A. I did not, no.
- 20 Q. Did anybody in your family have any
21 conversations with her?
- 22 A. My dad was yelling at her. I think that was
23 all that transpired between my family and Mrs. Plyler.
- 24 Q. Do you recall what the substance of the yelling
25 was about?

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- 1 A. Mostly obscenities, that's about all I can
2 remember.
- 3 Q. Did Mrs. Plyler talk to you at all?
- 4 A. Not to me specifically that I remember.
- 5 Q. Other than your dad do you recall talking to
6 your mom or your sister?
- 7 A. I talked to my sister, just I told her that I
8 was feeling sick, and she just told me, you know, don't
9 let yourself go unconscious, don't throw up.
- 10 Q. Did you lose consciousness at the scene?
- 11 A. No, I did not.
- 12 Q. And you were talking to your sister. How was
13 she doing?
- 14 A. I believe she was physically shaken, but she
15 seemed to be collected mentally. She made the phone
16 call to the police on her cell phone.
- 17 Q. Was she composed? Was she crying?
- 18 A. I don't believe she was crying at all. She
19 seemed to be relatively composed.
- 20 Q. And she's the one that called the police
21 officer?
- 22 A. Correct.
- 23 Q. Did you talk with anybody else at the accident
24 scene?
- 25 A. I did not. I believe maybe the paramedics

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- 1 Q. Did you ever go and look at the car behind
2 Mrs. Plyler's?
- 3 A. Not that I remember.
- 4 Q. Did you ever talk with the guy that was in that
5 third car?
- 6 A. I did not.
- 7 Q. To your knowledge do you know of any other
8 eyewitnesses to the accident?
- 9 A. Not to my knowledge.
- 10 Q. Did the impact move your car at all?
- 11 A. I believe so. I don't know by how much,
12 though.
- 13 Q. Can you describe the impact for me?
- 14 A. All I could remember is the crunching sound
15 of the car hitting us.
- 16 Q. Did your body move in the car at all?
- 17 A. It did, but I don't remember how because I
18 wasn't fully awake at that time.
- 19 Q. Did you hear anything: Any horns, brakes,
20 anything like that?
- 21 A. Nothing until the sound of the vehicles
22 impacting.
- 23 Q. Then you were taken to the hospital?
- 24 A. Correct.
- 25 Q. And that was Clearfield Hospital?

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- 1 asked me the details of the accident as far as were you
2 hit from behind or ahead, details like that.
- 3 Q. Did you get any treatment from the paramedics?
- 4 A. They just strapped me to the board, took us
5 to the ambulance, to the hospital.
- 6 Q. What parts of your body were bothering you?
- 7 A. At the time mostly just my stomach and my
8 head. I didn't have any acute pain in my neck, back or
9 shoulder area immediately after the accident. Those
10 didn't come until probably a day after.
- 11 Q. Was the stomach kind of a nausea that you were
12 describing?
- 13 A. Yes, nausea.
- 14 Q. How about your head?
- 15 A. I just had a headache from the stress.
- 16 Q. Any other parts of your body bothering you at
17 the accident scene?
- 18 A. Not that I can recall.
- 19 Q. Did you see any damage to Mrs. Plyler's
20 vehicle?
- 21 A. I remember glancing at the vehicle and just
22 seeing the front of it being smashed in. I don't
23 remember the extent of the damage, but I remember
24 feeling just absolutely sick to my stomach looking at
25 the back part of our vehicle.

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- 1 A. Yes.
- 2 Q. What did they do for you there?
- 3 A. I believe I got x-rayed, and I stayed in a
4 cervical collar for a few hours. I believe x-raying
5 and testing, you know, gripping fingers to see if you
6 could feel your finger strength (indicating) and that
7 sort of thing. I'm not entirely sure how comprehensive
8 it was.
- 9 Q. Did they talk with you about anything that they
10 thought was wrong with you?
- 11 A. I don't remember.
- 12 Q. Did they talk with you or did they talk with
13 your parents?
- 14 A. They spoke with me at the time.
- 15 Q. When you got to the hospital did any other part
16 of your body hurt?
- 17 A. Not at that time, no.
- 18 Q. When did your neck and back start to bother
19 you?
- 20 A. I believe it was the next day after I woke
21 up.
- 22 Q. How did you feel then?
- 23 A. Mostly just stiff. It wasn't so much painful
24 at first.
- 25 Q. What parts of your body were stiff?

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COPY

COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX AND SARAH LAUX,
HIS WIFE, ASHLEY LAUX AND
SCOTT LAUX,

PLAINTIFFS

VS

NO. 2006-02074-CD

RUTH PLYLER,

DEFENDANT

VS

DAVID LAUX,

ADDITIONAL DEFENDANT:

DEPOSITION OF: RUTH PLYLER

TAKEN BY: PLAINTIFF

BEFORE: BETH A. KRUPA, RPR, CRR
NOTARY PUBLIC

DATE: AUGUST 7, 2007, 11:14 A.M.

PLACE: HANAK, GUIDO & TALADAY
SOUTH BRADY STREET
DUBOIS, PENNSYLVANIA

SCHREIBER REPORTING SERVICE

EXHIBIT 4

1 APPEARANCES:

2 MARCUS AND MACK, P.C.
3 BY: BRYAN S. NEIDERHISER, ESQUIRE

4 FOR - PLAINTIFF

5 SEGMILLER & MENDICINO, P.C.
6 BY: KATHLEEN A. SEGMILLER, ESQUIRE

7 FOR - DEFENDANT

8 HANAK, GUIDO & TALADAY
9 BY: MATTHEW B. TALADAY, ESQUIRE

10 FOR - ADDITIONAL DEFENDANT

11 ALSO PRESENT:
12 PATTY BAUMMER

I N D E XTESTIMONY OFEXAMINATION

RUTH PLYLER

By Mr. Neiderhiser:
By Mr. Taladay:4
32E X H I B I T SEXHIBIT NO.PRODUCED AND
MARKED

(NONE)

STIPULATION

It is hereby stipulated by and between counsel for the respective parties that reading, signing, sealing, certification and filing are waived; and that all objections except as to the form of the question are reserved to the time of trial.

RUTH PLYLER, called as a witness, being sworn, testified as follows:

EXAMINATION

BY MR. NEIDERHISER:

Q Good morning, Mrs. Plyler. My name is Brian Neiderhiser. We just met. I represent the Laux family in a lawsuit that's been filed against you from a car accident back in March of 2005.

A Yes.

Q The purpose of today is just for me to ask some questions to learn a little bit of background about you, who you are and ask you about the accident itself.

A Okay.

Q Let me ask you this: Have you ever been
deposed before, given a deposition?

1 A No.

2 Q Okay. As you can see, there's a court
3 reporter here who is taking down every word that's said.

4 A Okay.

5 Q So it's important that even if you know where
6 I'm going with a question or I know where you're going with
7 your answer that we not speak over each other. It will make
8 her life a lot easier.

9 Also, I need you to keep your answers verbal.
10 She can't take down a shrug of the shoulder or nod of the
11 head even though we understand that in conversation. Very
12 importantly, if I ask you a question and you're not sure
13 what I meant by it, don't guess. You're not going to offend
14 me, just say Brian, that was a bad question or Brian, I
15 don't understand you and I'll reask it, okay.

16 A Yes.

17 Q Okay. All right. Finally, this isn't a
18 marathon. If at any time you need a break, even though I
19 usually don't take long, but if you need a break, let me
20 know and we'll accommodate you.

21 A Yes.

22 Q Could you just start by giving me your
23 current address?

24 A 143 East Long Avenue, DuBois.

25 Q How long have you lived there?

1 A I think 40, 45 years.

2 Q Have you lived in the DuBois area most of
3 your life?

4 A All my life.

5 Q Entire life. Okay. Have you ever been
6 married?

7 A Two times.

8 Q Okay.

9 A They're both deceased.

10 Q Sorry. Do you have any children?

11 A I had five.

12 Q Okay.

13 A One left.

14 Q Any of your children live with you?

15 A I have my disabled daughter with me.

16 Q How long has she lived with you?

17 A It was two years in April.

18 Q What's her name?

19 A Marjorie Schindley.

20 Q Can you spell the last name?

21 A S-c-h-i-n-d-l-e-y.

22 Q Thank you. I forwarded a packet of questions
23 to your attorney, she forwarded them to you and you answered
24 them, it's a set of interrogatories it was called. Do you
25 remember answering those questions?

- 1 A Yes.
- 2 Q Okay. I saw that you went to DuBois Area
3 School District; is that correct?
- 4 A Yes.
- 5 Q I saw that you left school and was -- what
6 was the last year you went to school?
- 7 A Freshman.
- 8 Q Okay. Did you ever get a GED or go back to
9 school?
- 10 A No.
- 11 Q Okay. And are you currently employed
12 anywhere?
- 13 A No.
- 14 Q When is the last time you worked?
- 15 A Not sure, I worked in a factory for 20 years
16 and DuBois Hospital grill for 10.
- 17 Q What was the name of the factory?
- 18 A Goodrich.
- 19 Q Where was that located?
- 20 A It was over on DuBois Avenue, but they're
21 gone now. They moved.
- 22 Q Okay. Were you working at all back in 2005
23 at the time of this accident?
- 24 A No.
- 25 Q Okay. Have you worked since the accident?

1 A No.

2 Q Do you know if you worked at all in the
3 2000s, 2000, 2001?

4 A No.

5 Q I just want to ask you without being overly
6 invasive, a few questions about your health on the day of
7 the accident. Were you taking any medications on the day of
8 the accident that would affect your ability to safely drive?

9 A No.

10 Q Okay. I saw that you take medicine for blood
11 pressure and things like that.

12 A I do.

13 Q Okay. You don't exactly look the type, but I
14 have to ask, were you under the influence of alcohol or
15 drugs at the time of the accident?

16 A No.

17 Q Have you ever been convicted of a crime?

18 A No.

19 Q Okay. Your general health on the day of the
20 accident?

21 A It was good.

22 Q Okay. Any physical conditions that would
23 affect your ability to drive?

24 A No.

25 Q I see that you, like me, wear glasses.

1 A Yes.

2 Q Are you required to wear glasses to drive a
3 car?

4 A Not really.

5 Q Okay. Do you know what your glasses are for?

6 A To make me see better.

7 Q Do you know if you're nearsighted,
8 farsighted, what the problem is?

9 A Oh, I don't know.

10 Q Okay. Do you ever drive without your
11 glasses?

12 A No.

13 Q Were you wearing glasses at the time of this
14 accident?

15 A Yes.

16 Q Okay. Current prescription?

17 A Yes.

18 Q No problems seeing the day of the accident?

19 A No.

20 Q Okay. Just a ballpark, when were you first
21 licensed to drive in Pennsylvania?

22 A Pardon.

23 Q When were you first licensed to drive a car
24 in Pennsylvania?

25 A When I was about, probably 35.

1 Q Okay. Did you ever have a license anywhere
2 other than Pennsylvania?

3 A No.

4 Q Ever apply anywhere other than Pennsylvania?

5 A No.

6 Q And has your license ever been recalled?

7 A For six months.

8 Q I'm trying to think.

9 MR. NEIDERHISER: Was that a suspension
10 versus a recall?

11 MS. SEGMILLER: Yes.

12 BY MR. NEIDERHISER:

13 Q Has PENNDOT ever asked you to send your
14 license back for any health reasons or health concerns?

15 A No.

16 Q Are there any restrictions on your driver's
17 license?

18 A No.

19 Q You don't need special mirrors?

20 A No.

21 Q Glasses, not limited to the times of day you
22 can drive or anything like that?

23 A No.

24 Q I saw also in your answers to questions that
25 you said that you're partially, I guess, disabled and you

1 have an issue with your knees; is that correct?

2 A I'm not sure.

3 Q Do you have a medical condition with your
4 knees?

5 A Oh, with my knees?

6 Q Yes.

7 A Well, they're okay now.

8 Q Okay.

9 A Yeah, I did, for a while there I had
10 arthritis.

11 Q Okay. You're not suffering from arthritis
12 anymore?

13 A No, no, I'm fine.

14 Q Were you at the time of the accident?

15 A No.

16 Q Do you know when it was that you were having
17 problems with your knees and arthritis?

18 A Not sure.

19 Q Do you know if it was between the accident
20 and today?

21 A Oh, I've been fine.

22 Q Okay. And also no issue at the time of the
23 accident?

24 A No.

25 Q Do you remember what kind of car you were

1 driving at the time of the accident?

2 A I'm not sure.

3 Q Okay. The car itself, do you know who owned
4 it, was it yours?

5 A Yes.

6 Q Okay. And do you know if you had bought it
7 new or used?

8 A It was a used car.

9 Q Okay. Was it a Buick?

10 A Yes.

11 Q Okay. How long had you owned it before the
12 accident?

13 A Possibly four or five years.

14 Q Okay. Were you having any mechanical
15 problems with that car --

16 A No.

17 Q -- on the day of the accident before the
18 accident happened?

19 A No.

20 Q Okay. Did it have current inspection,
21 registration?

22 A Yes.

23 Q And since you had owned it four or
24 five years, were you the primary driver of that vehicle?

25 A Yes.

1 Q You were familiar then with the layout of the
2 car?

3 A Oh, yes.

4 Q You knew where all the knobs and controls and
5 buttons and other good stuff were?

6 A Yes.

7 Q Okay. So you don't believe then that any
8 mechanical defect of the car played any role in this
9 accident?

10 A No.

11 Q Can you tell me on the day of the accident
12 where you were coming from and where you were going?

13 A I was coming home -- coming from Mountain
14 Laurel Nursing Home seeing my daughter and I was on my way
15 home to DuBois.

16 Q Would that be your daughter Marjorie?

17 A Yes.

18 Q Had you been on this road before?

19 A Oh, yes, wintertime, six months of it.

20 Q Okay. What about wintertime, was there
21 something about wintertime that put you on that road more?

22 A Well, I was going over to the nursing home
23 every day.

24 Q Every day?

25 A Yes.

1 Q Is that the route that you would take every
2 day?

3 A Yes.

4 Q Okay. So is it fair to say then that you
5 drove that direction approximately once a day the way you
6 were going?

7 A Yes.

8 Q And had that been for that whole winter?

9 A Yes.

10 Q I guess November, December, January,
11 February '04-'05?

12 A Yes.

13 Q Okay. Anything different about the roadway
14 that day as opposed to the different times you've been
15 there?

16 A No, it was about the same. There was maybe a
17 little bit more traffic because that's when Sheetz opened.

18 Q I understand there's a Sheetz very close to
19 where this accident occurred, correct?

20 A Yes, it opened that day.

21 Q That day, okay. Were there any new pavement
22 markings or anything like that on the road because the
23 Sheetz had just opened?

24 A Not as I recall, no.

25 Q Any new signs that you recall up in the area?

1 A No.

2 Q And how close is that, the area where the
3 accident occurred to your house?

4 A Well, that was in Clearfield and I live in
5 DuBois, so. . .

6 Q But how long would it have taken you to get
7 the rest of the way home?

8 A A half hour or so.

9 Q Okay. And how close was the accident scene
10 to the nursing home?

11 A I'm not sure.

12 Q Do you know how long it took you to get from
13 the nursing home to where the accident happened?

14 A Probably 20 minutes.

15 Q Okay. That's an approximate?

16 A Approximate, yes.

17 Q Okay. What else is on this area of the
18 roadway where the accident occurred, any other businesses?

19 A I'm not sure.

20 Q Okay. What was the weather like?

21 A Beautiful, it was Easter Sunday.

22 Q No snow or ice on the road?

23 A No.

24 Q And can you tell me the speed limit on the
25 road?

1 A Speed limit?

2 Q Yes.

3 A It was 20 or -- 20, I think, or 25.

4 Q Okay. And can you just tell me in your own
5 words what happened in the accident?

6 A Well, I was driving along and like I said,
7 there was a little bit more traffic that day on account of
8 Sheetz opening up and well, it happened fast. And he was
9 going to make a left-hand turn and there was no stop signs
10 or anything and it just happened. I put on my brakes and I
11 just -- just hit him.

12 Q Okay. When you say he was about to make a
13 left-hand turn, that's the car directly in front of you?

14 A Yes, the car in front of me.

15 Q Was that like an SUV, a bigger car?

16 A I -- if I recall, yes.

17 Q Okay. Do you remember what color it was?

18 A No.

19 Q Okay. You said he was about to make a
20 left-hand turn?

21 A Yes.

22 Q How do you know he was going to make a
23 left-hand turn?

24 A Because he was over there and I put on my
25 brakes but I -- I tried to miss him, but I couldn't.

1 Q Okay. When you say over there, let me ask
2 you a little bit about the road. How many lanes in the
3 direction that you were going?

4 A I don't recall.

5 Q Okay. Do you know how many lanes in the
6 direction coming towards you?

7 A I'm not sure.

8 Q Okay. When you say over there, I just want
9 to know what you mean by that. Was he in the lane that you
10 were in or was he in a different lane?

11 A Same lane I was only he was pulled over some.

12 Q Towards the left?

13 A Yes, towards the left.

14 Q Okay. Is that where he was the first time
15 you saw him?

16 A Yes.

17 Q Okay. Had you followed him at all in traffic
18 earlier that day, if you recall?

19 A I don't recall.

20 Q Okay. The first time you recall seeing his
21 car he's sort of off to the left --

22 A Yes.

23 Q -- of the lane of travel that you're in?

24 A Yes.

25 Q And he's ahead of you?

- 1 A Yes.
- 2 Q Did he have a left turn signal on?
- 3 A Not as I know of.
- 4 Q Okay. Were his brake lights on?
- 5 A Not as I know of.
- 6 Q Do you know how far behind him you were when
- 7 you first noticed his car?
- 8 A I can't recall, but I know I put on my brakes
- 9 real fast and I still went into him.
- 10 Q Okay. I saw in your answers to those
- 11 questions I had sent to you that you said you were going
- 12 about 25 miles an hour before you hit your brakes?
- 13 A I may have not even been going that fast,
- 14 because I'm not a fast driver.
- 15 Q Okay. Do you remember looking at your
- 16 speedometer at all before the accident?
- 17 A Oh, no, I didn't have time.
- 18 Q Okay. Were you keeping up with traffic
- 19 generally that day?
- 20 A Yes.
- 21 Q Okay. You don't remember loads of cars
- 22 lining up behind you because you were going slow in traffic
- 23 or anything like that?
- 24 A No.
- 25 Q Do you know about how long you were able

1 to -- I know I'm asking you a lot of very specific questions
2 about something that happened two years ago, but do you know
3 about how much time you had to put your brake on, how long
4 your foot was on the brake?

5 A I don't recall.

6 Q Okay. You said the accident happened
7 quickly?

8 A Oh, yes.

9 Q Do you know if your car actually slowed down
10 at all before the accident?

11 A Yes, I was putting on my brakes.

12 Q Okay. Do you know how much it had slowed
13 down?

14 A I don't remember.

15 Q Okay. Did your car leave skid marks or
16 anything like that on the road?

17 A I'm not sure.

18 Q Okay. Did you hear the squealing of tires?

19 A I'm not sure.

20 Q Okay. When you first hit your brake, did you
21 know an accident was going to happen or did you think you
22 had time to stop?

23 A I thought it was going to happen.

24 Q Okay. Did you have time to hit your horn?

25 A No.

1 Q Were you able to have time to steer left or
2 right to try to avoid it?

3 A Yeah, I went one way.

4 Q Do you remember which?

5 A Probably the right.

6 Q Okay. Can you describe the accident for me,
7 what happened to you inside the car?

8 A Well, I put on my brakes -- it just happened
9 real quickly.

10 Q Okay. Did your body move at all inside the
11 car when the impact occurred?

12 A Well, I did hit my knees kind of on the
13 dashboard.

14 Q Okay. Sort of underneath the steering wheel,
15 that area?

16 A Yes.

17 Q Did they leave a mark in the dashboard?

18 A No.

19 Q Okay. Did your knees bruise or swell?

20 A No, they hurt a little bit afterwards,
21 but. . .

22 Q Did you seek any medical attention for that
23 at all?

24 A No.

25 Q Did you even tell your primary care doctor or

1 anybody like that?

2 A No.

3 Q Okay. You were alone in your car, correct?

4 A Yes.

5 Q Did you have your seat belt on?

6 A Yes.

7 Q You know that sensation of sort of the seat
8 belt locking or catching you from moving, do you know if
9 that happened?

10 A I don't remember.

11 Q Did your car have air bags?

12 A No.

13 Q Okay. Other than your knees hitting the
14 dashboard, any other part of your body hit anything inside
15 the car?

16 A No.

17 Q Okay. Did you feel pain anywhere in your
18 body other than your knees after the accident?

19 A No.

20 Q Okay. Did your car come to a complete,
21 immediate stop after the accident or did it move?

22 A I don't recall.

23 Q Okay. My client's car, was it stopped in the
24 roadway before the impact or was it still moving?

25 A It was stopped.

1 Q Okay. Do you recall seeing taillights at all
2 before the accident occurred?

3 A I didn't see anything.

4 Q Okay. When the accident happened, what
5 happened to their car, did it move at all, was it shoved
6 forward?

7 A To my car?

8 Q No, the car my clients were in, did it move
9 forward at all?

10 A I don't remember.

11 Q Okay. After the accident happened, what did
12 you do?

13 A Well, I sat there a couple minutes and got
14 myself collected up and I got in my glove box and got out my
15 papers and stuff, got my purse and the woman and two kids
16 were standing over on the corner of the sidewalk and I
17 walked over and I apologized to her, but she didn't say
18 anything and no one said are you all right or hurt or
19 anything.

20 Q Okay. When you say the woman, are you
21 talking about the mother?

22 A Talking about the mother, yes.

23 Q You said you apologized to her?

24 A Oh, yes, I said I was sorry it happened.

25 Q Okay. Did you ask if they were okay?

1 A Well, I don't remember.

2 Q Okay. And you said she didn't ask if you
3 were okay?

4 A No.

5 Q Did she say anything to you?

6 A No.

7 Q Okay. Did the kids say anything to you?

8 A No.

9 Q What did you do next?

10 A Then I went back over beside my car and the
11 police were there and they took my reports and looked at my
12 insurances and papers and stuff.

13 Q Okay. Did the driver of my client's car, the
14 father, or husband, did you talk to him at all?

15 A No, he was too mad.

16 Q Okay. How do you know he was mad, what was
17 he doing?

18 A Well, he got out of his car, he threw his
19 hands up and started to swear. I was scared of him.

20 Q Okay. Did he approach you at all?

21 A No.

22 Q Okay. When he was swearing, was he just
23 swearing generally or swearing to you?

24 A Well, he just called me -- I wouldn't want to
25 say what he said an old lady or too old to drive and blah,

1 blah, blah, blah.

2 Q So he was directing it towards you?

3 A Oh, yes.

4 Q Okay. Did he appear to cool off or calm down
5 at all?

6 A I don't know, he went with one police and I
7 had another one.

8 Q Okay. Did you call the police?

9 A No.

10 Q Do you know who did?

11 A I don't know who did.

12 Q Did you have a cell phone in your car?

13 A No.

14 Q Okay. So the police, one officer talked to
15 you and one talked to him?

16 A Yes.

17 Q Okay. What happened after that?

18 A Well, the policeman that talked to me, things
19 quieted down and he asked me where I was going. I said,
20 well, I'm going home to DuBois. He said, well, you drive
21 your car around the parking lot and I'll watch you and see
22 if it's all right to take, so I drove it around the parking
23 lot and I stopped and he talked to me and he said your car
24 is all right to drive.

25 He said when you get home -- he gave me a

1 telephone number. He said you call me. If we don't hear
2 from you within a half hour or 45 minutes, he said, I'll
3 send somebody over the mountain to see if you're stuck.

4 Q Okay.

5 A But I made it home all right and I called
6 him.

7 Q Okay. You were given a ticket as a result of
8 this accident?

9 A Oh, yes.

10 Q Okay.

11 A Yes.

12 Q I understand you didn't show up in court or
13 fight the ticket you just --

14 A I paid it. I paid it, yes.

15 Q Okay. You didn't ask for a hearing about the
16 ticket?

17 A No.

18 Q Okay. Do you remember the police officer's
19 name, the officer you spoke with?

20 A No, I don't.

21 Q Okay. What did he ask you and what did you
22 tell him?

23 A He wanted to see my papers, my owner's card
24 and insurance and so on so forth and there was an ambulance
25 there, the ambulance driver asked me if I was all right.

- 1 Q Okay.
- 2 A And he took my blood pressure, he says you're
- 3 fine.
- 4 Q Do you know how the ambulance got there, do
- 5 you know who called --
- 6 A No.
- 7 Q Other than taking your blood pressure and
- 8 asking you some questions, did she give you any other
- 9 treatment?
- 10 A No.
- 11 Q All right. They didn't offer to take you
- 12 away to the hospital with them?
- 13 A Well, he asked me if I wanted to go, and I
- 14 said no, I just wanted to go home.
- 15 Q Okay. Do you remember telling the police
- 16 officer that you were driving approximately 25 miles an hour
- 17 before the accident?
- 18 A I don't remember.
- 19 Q Okay. Have you seen this police report since
- 20 the accident occurred?
- 21 A No.
- 22 Q Okay. The other officer was talking to Mr.
- 23 Laux, correct?
- 24 A Yes.
- 25 Q Were you able to overhear any of that

1 conversation?

2 A No, the only thing I heard when the police
3 come he said to the man I hit, he says, you could get
4 arrested for this, you know.

5 Q Who said that?

6 A The policeman said to Mr. -- what's his name,
7 Laux.

8 Q That he could be arrested?

9 A Yes.

10 Q Do you know what he was talking about?

11 A Well, I figured he was in the wrong lane and
12 he was making a turn that he shouldn't be making.

13 Q Okay. I just want to clarify something on
14 the lane. Was he in the lane that you were in but just sort
15 of hugging the left-hand side of it?

16 A Yes.

17 Q It's my understanding that at the scene you
18 backed into the car behind you at some point?

19 A Well, the man behind me he got out of his car
20 and he said she backed into me. Well, I don't recall
21 backing up. It could have been maybe the impact pushed my
22 car into his, so he was close to me, too.

23 Q Okay. You don't remember ever putting your
24 car in reverse then and hitting somebody?

25 A No, no.

1 Q Were you given any tickets for that, we'll
2 call it an accident, I'll call it an accident?

3 A I'm not sure.

4 Q Was there any damage to the back of your car?

5 A No.

6 Q Do you remember feeling an impact to the back
7 of your car or from the back of your car?

8 A No.

9 Q Okay. Did you look at that guy's car?

10 A No.

11 Q So you don't know if there was any damage to
12 the front end of that other car?

13 A No.

14 Q Did the police look at it?

15 A Well, he was talking to the police.

16 Q Okay. Do you know a Gregory Winters, do you
17 know the man?

18 A No.

19 Q Okay. He hasn't filed any lawsuits against
20 you or anything like that that you're aware of, has he?

21 A No.

22 Q Do you recall about what time of day this
23 accident was?

24 A Say around 4:00, because I always went home
25 before dark.

1 Q Okay. Did you have headlights on?

2 A I don't believe, because it was a real sunny

3 day.

4 Q Okay. And you were going to your house, was

5 there --

6 A I was coming home to DuBois, yes.

7 Q Was there a particular time you had to be

8 home?

9 A No, because I was living by myself.

10 Q Were you on any kind of a schedule the rest

11 of that day?

12 A No.

13 Q And can you explain to me what damage you saw

14 to the back of my client's car?

15 A I can't, no.

16 Q Okay. Did you see what happened to any of

17 them physically inside of the car at the time of the impact?

18 A No.

19 Q Do you know if any of them were wearing their

20 seat belts?

21 A No.

22 Q Okay. When you went over to talk to the

23 wife --

24 A I did. I said I was sorry this happened.

25 Q When you went over, did you see any obvious

1 signs of injury on any of them?

2 A No, they were just standing there.

3 Q No bleeding or open bruises, obvious bruises?

4 A No.

5 Q Were any of them walking around while you
6 were there?

7 A No, they were standing there on the corner.

8 Q Okay. The whole time that you were there,
9 were they standing on the corner?

10 A Well, after I started to talk to the police,
11 I don't know where they went.

12 Q Okay. Do you know if their car was driven
13 from the scene or towed?

14 A I'm not sure.

15 Q Can you explain this, the area of the
16 accident, okay, you told me there's a Sheetz, what's before
17 this accident, what's the last turn and where did you make
18 it?

19 A Well, if I recall, I come over a bridge and
20 then there's a stop sign there, traffic light and it was
21 green and, of course, I come through that and I wasn't
22 coming too fast and then I come on down the highway and then
23 the accident happened.

24 Q Okay. I had asked you a question, it was how
25 far were you from the point of impact, where the accident

1 was, when you first noticed the plaintiffs and their vehicle
2 and you answered that you came around the corner at a
3 traffic light but could not approximate a distance. Had you
4 just made a turn somewhere before this accident occurred?

5 A No, it was at the highway -- a little ways.

6 Q Okay. And are you aware of any other
7 witnesses to this accident?

8 A No.

9 Q Nobody has come to you since and said, hey, I
10 saw you there that day or anything like that?

11 A No.

12 Q And did you know any of my clients before the
13 accident?

14 A No.

15 Q Other than that day, have you talked to them
16 or have they tried to talk to you since?

17 A No.

18 Q Okay. You told me the medics showed up,
19 ambulance showed up and police showed up, anyone else show
20 up at the accident?

21 A There was a lot of people around, but I
22 didn't know who they were.

23 Q Okay. Anybody come up to you and talk to you
24 at the scene?

25 A No, the ambulance driver did.

1 Q Right, okay.

2 A Wanted to know if I was all right, took blood
3 pressure, blood pressure was all right.

4 Q Those are actually all the questions I have
5 for you right now. Matt might have a few questions for you.

6 MR. TALADAY: I just have a couple questions.

7

8 EXAMINATION

9

10 BY MR. TALADAY:

11 Q Had you ever been in a car accident before
12 the day of this Easter Sunday accident?

13 A No.

14 Q You told us that your license had been
15 suspended for six months?

16 A Yes.

17 Q When did that occur?

18 A I can't recall, a long time ago.

19 Q Do you know why your license was suspended?

20 A I hit a car and the car left and I went home
21 and I just bumped into it.

22 Q Where did that happen?

23 A DuBois, George Street.

24 Q And as a result of that your license was
25 suspended?

1 A Yeah, yes.

2 Q Were you sued over that incident?

3 A No.

4 Q How bad was the damage to your car in that
5 incident that resulted in your suspension?

6 A Just a little bump on the headlight.

7 Q Who charged you with leaving the scene of the
8 accident, was it the DuBois Police?

9 A The DuBois Police.

10 Q Did you ever get a fine for that incident?

11 A No.

12 MR. TALADAY: Thank you, ma'am. Those are
13 all my questions.

14 MR. NEIDERHISER: Were you okay on the
15 fairness and accurateness of the pictures and things so I
16 don't need to go through them with her?

17 MS. SEGMILLER: Oh, yes.

18 (The deposition was concluded at 11:46 a.m.)

19

20

21

22

23

24

25

1 COUNTY OF CLEARFIELD :

2 COMMONWEALTH OF PENNSYLVANIA :

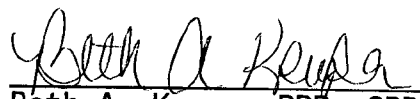
ss.

3
4 I, Beth A. Krupa, RPR, CRR, Notary-Public,
5 authorized to administer oaths within and for the
6 Commonwealth of Pennsylvania and take depositions in the
trial of causes, do hereby certify that the foregoing is the
testimony of RUTH PLYLER.

7 I further certify that before the taking of
8 said deposition, the witness was duly sworn; that the
9 questions and answers were taken down stenographically by
10 the said Beth A. Krupa, RPR, CRR, Notary-Public, approved
and agreed to, and afterwards reduced to typewriting under
the direction of the said Reporter.

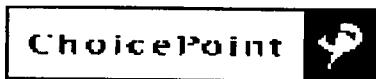
11 I further certify that the proceedings and
12 evidence contained fully and accurately in the notes by me
on the within deposition, and that this copy is a correct
transcript of the same.

13 In testimony whereof, I have hereunto
14 subscribed my hand this 22nd day of August, 2007.

15
16
17 

18 Beth A. Krupa, RPR, CRR
19 Notary Public

20
21
22
23 My commission expires
24 on May 10, 2010.
25



ChoicePoint Police Records
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Norcross, GA 30091-4000
Phone 1.800.934.9698 Fax 1.800.934.6449
Email orderpoint.support@choicepoint.com

REPORT ATTACHED

PAGE COUNT: 7

CLIENT : 5730
DIVISION : CCU
ADJUSTER : H27ZPAAPV14
CLAIM : 010110548665-CLPD200500609

TRANSACTION # : 133717982
DATE : 04/16/2005

DATE OF LOSS : 03/27/2005 TIME OF LOSS : 03:32 PM
STREET : WEST FRONT STREET CLEARFIELD
CITY :
COUNTY : CLEARFIELD
STATE : PA

INVESTIGATING AGENCY : CLEARFIELD PD
REPORT NUMBER : CLPD200500609
REPORT TYPE : Auto Accident
PARTY 1 : DAVID A LAUX
PARTY 2 : RUTH J PLYLER
PARTY 3 :

CAR : MAKE : FORD YEAR : 2004
TAG :

DRIVER LICENSE : 15326462
ADDITIONAL INFO :

NOTE :

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number

AA 500 1

Case Closed? ☒ Yes ☐ No
Reportable Crash ☒ Yes ☐ No

Page

01

P0482667

Police Agency Data	Incident Number CLPD200500609										Police Agency 17404				Patrol Zone 404			
	Agency Name CLEARFIELD BOROUGH POLICE DEPT.										Precinct CLEARFIELD BOROUGH				Investigation Date (MM-DD-YYYY) 03-27-2005			
Crash Data	Dispatch Time (mil) 1532			Arrival Time (mil) 1534			Investigator CPL. DAVID W. FYE				Badge Number 00004							
	Reviewer ASST. CHIEF J.M. ZELENY										Badge Number 2		Approval Date (MM-DD-YYYY) 04-10-2005					
Crash Data	County 17		County Name CLEARFIELD				Municipality 404		Municipality Name CLEARFIELD BOROUGH				Day of Week <input checked="" type="radio"/> Sun <input type="radio"/> Thu <input type="radio"/> Mon <input type="radio"/> Fri <input type="radio"/> Tue <input type="radio"/> Sat <input type="radio"/> Wed <input type="radio"/> Unk					
	Crash Date (MM-DD-YYYY) 03-27-2005				Crash Time (mil) 1530		No of Units 03		People 09		Injured 05		Killed* 00		*If > 00 complete Form F			
Loc Type	Workzone (If Yes, Complete Form M, Section 29) <input type="radio"/> Yes <input checked="" type="radio"/> No										School Bus Related <input type="radio"/> Yes <input checked="" type="radio"/> No		School Zone Related <input type="radio"/> Yes <input checked="" type="radio"/> No		Notify PENNDOT Maintenance <input type="radio"/> Yes <input checked="" type="radio"/> No			
	Intersection Type <input checked="" type="radio"/> Midblock <input type="radio"/> 4 Way Intersection <input type="radio"/> "Y" Intersection <input type="radio"/> Multi-Leg Intersection <input type="radio"/> Off Ramp <input type="radio"/> Railroad Crossing <input type="radio"/> "T" Intersection <input type="radio"/> Traffic Circle/Round About <input type="radio"/> On Ramp <input type="radio"/> Crossover <input type="radio"/> Other										*Special Location 00		* See Overlay					
Principal Road	Route Number 0322		Segment (Optional)		Travel Lanes 03		Speed Limit 25		Orientation <input type="radio"/> North <input type="radio"/> South <input checked="" type="radio"/> East <input type="radio"/> West <input type="radio"/> Unknown		House Number (if applicable) 101							
	Street Name WEST FRONT										Street Ending ST		For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in if using this option					
Intersecting Road	Route Number [] [] [] []										Segment (Optional)		Travel Lanes [] []		Speed Limit [] []		Orientation <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West <input type="radio"/> Unknown	
	Street Name [] [] [] [] [] [] [] [] [] []										Street Ending [] []		Route Signing <input type="radio"/> Interstate (Not Turnpike) <input type="radio"/> Turnpike (East/West) <input type="radio"/> Turnpike Spur <input checked="" type="radio"/> State Highway <input type="radio"/> County Road <input type="radio"/> Local Road or Street <input type="radio"/> Private Road <input type="radio"/> Other/Unknown					
Distance From Landmark	Please Enter Information for BOTH Landmarks if Using This Option										Landmark 1 Intersecting Rt Num Or Mile Post [] [] [] [] [] []		Or Segment Marker [] [] [] [] [] []		Ramp Use Only <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West		Feet [] [] [] [] [] []	
											Landmark 2 Intersecting Rt Num Or Mile Post [] [] [] [] [] []		Or Segment Marker [] [] [] [] [] []		Ramp Use Only <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West		Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2) [] [] [] [] [] []	
GPS	Degrees Latitude: [] []		Minutes [] []		Seconds [] []		Degrees Longitude: [] []		Minutes [] []		Seconds [] []							
	Traffic Control Device <input type="radio"/> Not Applicable <input type="radio"/> Traffic Signal <input type="radio"/> Yield Sign <input type="radio"/> Police Officer or Flagman <input type="radio"/> Active RR Crossing Controls <input checked="" type="radio"/> Other Type TCD <input type="radio"/> Flashing Traffic Signal <input type="radio"/> Stop Sign <input type="radio"/> Passive RR Crossing Controls <input type="radio"/> Unknown										TCD Functioning <input type="radio"/> No Controls <input type="radio"/> Device Functioning Improperly <input type="radio"/> Device Functioning Properly <input type="radio"/> Emergency Preemptive Signal <input type="radio"/> Unknown							
Lane Closure	Lane Closed (If "Not Applicable", skip rest of the Lane Closure section) <input checked="" type="radio"/> Not Applicable <input type="radio"/> Partially <input type="radio"/> Fully <input type="radio"/> Unknown										Lane Closure Direction <input type="radio"/> North <input type="radio"/> East <input type="radio"/> North and South <input type="radio"/> All (N,S,E,W) <input type="radio"/> South <input type="radio"/> West <input type="radio"/> East and West							
	Traffic Detoured Yes <input type="radio"/> No <input type="radio"/> Unknown <input type="radio"/>		Esti. Time Closed <input type="radio"/> < 30 Min. <input type="radio"/> 30-60 Min. <input type="radio"/> 1-3 hrs <input type="radio"/> 3-6 hrs <input type="radio"/> 6-9 hrs <input type="radio"/> > 9 hours <input type="radio"/> Unknown															

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

P0482667

AA 500 2

Police Use Only

Page:

02

10	Unit Info	Type <input checked="" type="checkbox"/> Motor Vehicle in Transport <input type="checkbox"/> Pedestrian <input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc. <input type="checkbox"/> Illegally Parked <input type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Legally Parked <input type="checkbox"/> Train <input type="checkbox"/> Non - Motorized <input type="checkbox"/> Phantom Vehicle (If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)		Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes, Complete Form C)	
	Unit No: 01 First Name: RUTH MI: 3 Date of Birth (MM-DD-YYYY): 09/19/1919 Delete? <input type="checkbox"/> Last Name: PLYLER Telephone Number: 814-371-9281 Address / City / State: 143 EAST LONG AVE. DUBOIS, PA Zip: 15801 Driver License Number: 09113385 State: PA Class: C				
11	Vehicle Driver / Pedestrian Information	Alcohol/Drugs Suspected <input checked="" type="checkbox"/> No <input type="checkbox"/> Alcohol <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Unknown		Driver or Pedestrian Physical Condition <input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Sick <input type="checkbox"/> Fatigue <input type="checkbox"/> Asleep <input type="checkbox"/> Medication <input type="checkbox"/> Unknown	
		Alcohol Test Type <input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Urine <input type="checkbox"/> Other <input type="checkbox"/> Unknown if Test Given		Primary Vehicle Code Violation VC 3714 CARELESS DRIVING <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Charged?	
		Alcohol Test Results 0. <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Test Refused <input type="checkbox"/> Test Given, Contaminated Results <input type="checkbox"/> Unknown Results		Driver Presence 1 <input type="text"/> 1=Driver Operated Vehicle 2=No Driver 3=Driver Fled Scene 4=Hit and Run 9=Unknown	
		Owner/Driver 01 <input type="text"/> 00=Not Applicable 01=Private Vehicle Owned/Leased by Driver 02=Private Vehicle Not Owned/Leased by Driver 03=Rented Vehicle 04=State Police Vehicle 05=PENNDOT Vehicle 06=Other State Gov Veh 07=Municipal Police Veh 08=Other Municipal Government Vehicle 09=Federal Gov Veh 98=Other 99=Unknown			
12	Vehicle Information	Same as Driver <input checked="" type="checkbox"/> Owner First Name: RUTH Owner Last Name or Business Name (If Pedestrian, skip this Section): PLYLER		Address / City / State / Zip: 143 EAST LONG AVE. DUBOIS, PA 15801	
		VIN: 2G4WB54LXP1407825 Model Year: 1993		Vehicle Make: BUICK *Make Code: 18 Vehicle Model: REGAL (see overlay)	
		License Plate: DV15317 Reg. State: PA Est. Speed: 025 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Towed By:	
		Insurance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Insurance Company: STATE FARM Policy No: 649-623180138F			
12	Vehicle Information	Trailing Unit No. of Trailing Units: 0 Type Unit: <input type="checkbox"/> 1=Towing Pass. Veh 2=Towing Truck 3=Towing Utility Trailer 4=Mobile/Modular Home 5=Camper 6=Full Trailer 7=Semi-Trailer 8=Other 9=Unknown		Tag No: Tag Year: Tag St:	
		Direction of Travel: W *Vehicle Position: 01 *Movement: 01 *See Overlay:		Special Usage: 00	
		Vehicle Color 03 <input type="text"/> 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Green 13=Black 19=Unknown		Vehicle Type 01 <input type="text"/> 01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "20" or "21", Complete Form M, Section 27) 05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown	
Initial Impact Point 11 <input type="text"/> 00=Non-Collision 01-12=Clock Points 13=Top 14=Undercarriage 15=Towed Unit 99=Unknown		Damage Indicator 2 <input type="text"/> 0=None 1=Minor 2=Functional 3=Disabling 9=Unknown		Gradient 1 <input type="text"/> 1=Level 2=Uphill 3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown	
Road Alignment 1 <input type="text"/> 1=Straight 2=Curved 9=Unknown					

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 2

Police Use Only

Page:

03

P0482667

10	Unit Info		Type Unit <input checked="" type="checkbox"/> Motor Vehicle in Transport <input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Illegally Parked <input type="checkbox"/> Legally Parked <input type="checkbox"/> Non - Motorized <input type="checkbox"/> Pedestrian <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc <input type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Train <input type="checkbox"/> Phantom Vehicle <i>(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)</i>										Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If Yes, Complete Form C)</i>	
	Unit No 02 First Name DAVID MI A Date of Birth (MM-DD-YYYY) 12/02/1949 Last Name LAUX Telephone Number 814-371-7239 Delete? <input type="checkbox"/> Address / City / State 849 TREASURE LAKE DUBOIS, PA Zip 15801 Driver License Number 15326462 State PA Class C													
11	Vehicle Driver / Pedestrian Information		Alcohol/Drugs Suspected <input checked="" type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown Alcohol Test Type <input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given Alcohol Test Results <input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input checked="" type="checkbox"/> Test Given, Contaminated Results Driver or Pedestrian Physical Condition <input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown Primary Vehicle Code Violation VC3351A Charged? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Driver Presence <input checked="" type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 3=Driver Fled Scene <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 9=Unknown											
	Owner/Driver <input checked="" type="checkbox"/> 01=Private Vehicle Owned/Leased by Driver <input type="checkbox"/> 02=Private Vehicle Not Owned/Leased by Driver <input type="checkbox"/> 03=Rented Vehicle <input type="checkbox"/> 04=State Police Vehicle <input type="checkbox"/> 05=PENNDOT Vehicle <input type="checkbox"/> 06=Other State Gov Veh <input type="checkbox"/> 07=Municipal Police Veh <input type="checkbox"/> 08=Other Municipal Government Vehicle <input type="checkbox"/> 09=Federal Gov Veh <input type="checkbox"/> 98=Other <input type="checkbox"/> 99=Unknown													
	Same as Driver <input checked="" type="checkbox"/> Owner First Name DAVID Owner Last Name or Business Name (If Pedestrian, skip this Section) LAUX Address / City / State / Zip 849 TREASURE LAKE, DUBOIS, PA 15801 Vehicle Make FORD *Make Code 12 VIN 1FMCU93194DA14080 Model Year 2004 Vehicle Model ESCAPE XLT License Plate ETG7248 Reg. State PA Est. Speed 000 Vehicle Towed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Towed By AS ROSS TOWING													
	Insurance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Insurance Company ERIE INS. CO. Policy No G04-3010690N													
12	Vehicle Information		Trailing Unit <input type="checkbox"/> No. of Trailing Units 0 Type Unit <input type="checkbox"/> 1=Towing Pass. Veh <input type="checkbox"/> 2=Towing Truck <input type="checkbox"/> 3=Towing Utility Trailer <input type="checkbox"/> 4=Mobile/Modular Home <input type="checkbox"/> 5=Camper <input type="checkbox"/> 6=Full Trailer <input type="checkbox"/> 7=Semi-Trailer <input type="checkbox"/> 8=Other <input type="checkbox"/> 9=Unknown Direction of Travel W *Vehicle Position 01 *Movement 03 *See Overlay Vehicle Color 05 Vehicle Type 01 01=Blue 02=Red 03=White 04=Green 05=Black 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown 01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "20" or "21", Complete Form M, Section 27) 05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown Special Usage 00 00=Not Applicable 01=Fire Veh 02=Ambulance 03=Police 08=Other Emergency Vehicle 11=Pupil Transport 12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Twin Trailer 23=Triple Trailer 31=Modified Veh 99=Unknown											
	Initial Impact Point 06 00=Non-Collision 01-12=Clock Points 13=Top 14=Undercarriage 15=Towed Unit 99=Unknown Damage Indicator 3 0=None 2=Functional 1=Minor 3=Disabling 9=Unknown Gradient 1 1=Level 2=Uphill 3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown Road Alignment 1 1=Straight 2=Curved 9=Unknown													

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 3

Police Use Only

Page

04

P 0482667

People Information

A Person Type:
1=Driver
2=Passenger
7=Pedestrian
8=Other
9=Unknown

B Sex:
F=Female
M=Male
U=Unknown

C Injury Severity:
0=Not Injured
1=Killed
2=Major Injury
3=Moderate Injury
4=Minor Injury
8=Injury, Unk Severity
9=Unknown if Injury

D Seat Position:
00=Not A Passenger/Occupant
01=Driver - All Vehicles
02=Front Seat Middle Position
03=Front Seat Right Side
04=Second Row - Left Side Or Motorcycle Passenger
05=Second Row - Middle Position
06=Second Row - Right Side
07=Third Row Or Greater - Left Side
08=Third Row Or Greater - Middle Position
09=Third Row Or Greater - Right Side
10=Sleeper Section of Truckcab
11=In Other Enclosed Passenger Or Cargo Area
12=In Open Area (Back Of Pickup, Etc.)
13=Trailing Unit
14=Riding On Vehicle Exterior
15=Bus Passenger
98=Other
99=Unknown

E Safety Equipment One:
00=None Used / Not Applicable
01=Shoulder Belt Used
02=Lap Belt Used
03=Lap And Shoulder Belt Used
04=Child Safety Seat Used
05=Motorcycle Helmet Used
06=Bicycle Helmet Used
10=Safety Belt Used Improperly
11=Child Safety Seat Used Improperly
12=Helmet Used Improperly
90=Restraint Used, Type Unknown
99=Unknown

F Safety Equipment Two:
00=None Used / Not Applicable
01=Front Air Bag Deployed (For This Seat)
02=Side Air Bag Deployed (For This Seat)
03=Other Type Air Bag Deployed
04=Multiple Air Bags Deployed
05=Motorcycle Eye Protection
06=Bicyclist Wearing Elbow/Knee/Pads
10=Air Bag Not Deployed, Switch On
11=Air Bag Not Deployed, Switch Off
12=Air Bag Not Deployed, Unk Switch Setting
13=Air Bag Removed (Prior To Crash)
19=Unknown If Air Bag Deployed
99=Unknown

G Ejection:
0=Not Applicable
1=Not Ejected
2=Totally Ejected
3=Partially Ejected
9=Unknown

H Ejection Path:
0=Not Ejected / Not Applicable
1=Through Side Door Opening
2=Through Side Window
3=Through Windshield
4=Through Back Door
5=Through Back Door Tailgate Opening
6=Through Roof Opening (Sunroof/Convertible Top Down)
7=Through Roof Opening (Convertible Top Up)
9=Unknown

I Extrication:
0=Not Applicable
1=Not Extricated
2=Extricated By Mechanical Means
3=Extricated By Non - Mechanical Means
8=Other
9=Unknown

EMS Agency: CLEARFIELD EMS

Medical Facility: CLEARFIELD HOSPITAL

Unit No: 01 Person No: 01 Delete: ☐ Date of Birth (MM-DD-YYYY): 09-19-1919 A: 1 B: F C: 0 D: 0 E: 1 F: 0 G: 3 H: 1 I: 2 J: 0 K: 0 L: 0

Name / Address / Phone

EMS Transport
☐ Yes ☒ No

Unit No: 02 Person No: 01 Delete: ☐ Date of Birth (MM-DD-YYYY): 12-02-1949 A: 1 B: M C: 8 D: 0 E: 1 F: 0 G: 3 H: 1 I: 2 J: 0 K: 0 L: 0

Name / Address / Phone

EMS Transport
☒ Yes ☐ No

Unit No: 02 Person No: 02 Delete: ☐ Date of Birth (MM-DD-YYYY): 07-09-1956 A: 2 B: F C: 8 D: 0 E: 3 F: 0 G: 3 H: 1 I: 2 J: 0 K: 0 L: 0

Name / Address / Phone

EMS Transport
☒ Yes ☐ No

Unit No: 02 Person No: 03 Delete: ☐ Date of Birth (MM-DD-YYYY): 05-27-1987 A: 2 B: M C: 8 D: 9 E: 9 F: 0 G: 3 H: 9 I: 9 J: 0 K: 0 L: 0

Name / Address / Phone

EMS Transport
☒ Yes ☐ No

Unit No: 02 Person No: 04 Delete: ☐ Date of Birth (MM-DD-YYYY): 01-16-1986 A: 2 B: F C: 8 D: 9 E: 9 F: 0 G: 3 H: 9 I: 9 J: 0 K: 0 L: 0

Name / Address / Phone

EMS Transport
☒ Yes ☐ No

Unit No: Person No: Delete: ☐ Date of Birth (MM-DD-YYYY): -- A: B: C: D: E: F: G: H: I:

Name / Address / Phone

EMS Transport
☐ Yes ☐ No

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Page



Crash Number

AA 500 4

Police Use Only

05

P0482667

General Crash Information (If more than 2 Units only complete once)	
Crash Description	<input type="checkbox"/> 1=Non-Collision 1=Rear End 2=Head On 3=Rear to Rear (Backing) 4=Angle 5=Sideswipe (Same Direction) 6=Sideswipe (Opposite Direction) 7=Hit Fixed Object 8=Hit Pedestrian 9=Other/Unknown
Relation to Roadway	<input type="checkbox"/> 1=On Travel Lanes 2=Shoulder 3=Median 4=Roadside 5=Outside Trafficway 6=In Parking Lane 7=Gore (Ramp Intersection) 9=Unknown
Illumination	<input type="checkbox"/> 1=Daylight 2=Dark - No Street Lights 3=Dark - Street Lights 4=Dusk 5=Dawn 6=Dark - Unknown Roadway Lighting 8=Other
Weather Conditions	<input type="checkbox"/> 1=No Adverse Conditions 2=Rain 3=Sleet (Hail) 4=Snow 5=Fog 6=Rain & Fog 7=Sleet & Fog 8=Other 9=Unknown
Road Surface Conditions	<input type="checkbox"/> 0=Dry 1=Wet 2=Sand, Mud, Dirt, Oil 3=Snow Covered 4=Slush 5=Ice 6=Ice Patches 7=Water - Standing or Moving 8=Other

Unit(s) Event Information	
Harm Event L/R Most? Utility Pole Number	Harmful Events (Harm Event)
Unit No 1 <input type="checkbox"/> 02 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	01=Hit Unit 1 02=Hit Unit 2 03=Hit Unit 3 04=Hit Unit 4 05=Hit Unit 5 06=Hit Other Traffic Unit 07=Hit Deer 08=Hit Other Animal 09=Collision With Other Non Fixed Object 10=Hit Fence Or Wall 11=Hit Building 12=Hit Culvert 13=Hit Bridge Pier Or Abutment 14=Hit Parapet End 15=Hit Bridge Rail 16=Hit Boulder Or Obstacle On Roadway 17=Hit Impact Attenuator 18=Hit Fire Hydrant 19=Hit Roadway Equipment 20=Hit Mail Box 21=Hit Traffic Island 22=Hit Snow Bank 23=Hit Temporary Construction Barrier 24=Hit Other Fixed Object 25=Hit Unknown Fixed Object 26=Overturn/Roll Over 27=Struck By Thrown Or Falling Object 28=Pot Holes Or Other Pavement Irregularities 29=Jackknife 30=Fire In Vehicle 31=Other Non-Collision 32=Unknown Harmful Event
Unit No 2 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	11=Struck By Unit 1 12=Struck By Unit 2 13=Struck By Unit 3 14=Struck By Unit 4 15=Struck By Unit 5 16=Struck By Other Traffic Unit 21=Hit Tree Or Shrubbery 22=Hit Embankment 23=Hit Utility Pole 24=Hit Traffic Sign 25=Hit Guard Rail 26=Hit Guard Rail End 27=Hit Curb 28=Hit Concrete Or Longitudinal Barrier 29=Hit Ditch
Please Put Events in Sequential Order	
Unit No 3 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Unit No 4 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

First Harmful Event in the Crash	
Unit No <input type="checkbox"/> 01 <input type="checkbox"/> Harm Event <input type="checkbox"/> 02 <input type="checkbox"/> Most Harmful Event in the Crash	Unit No <input type="checkbox"/> 01 <input type="checkbox"/> Harm Event <input type="checkbox"/> 02 <input type="checkbox"/>

Environmental / Roadway Potential Factors (E/R)	
00=None 01=Windy Conditions 02=Sudden Weather Conditions 03=Other Weather Conditions 04=Deer In Roadway 05=Obstacle On Roadway 06=Other Animal In Roadway 07=Glare 08=Work Zone Related	11=Slippery Road Conditions (Ice/Snow) 12=Substance On Roadway 13=Potholes 14=Broken Or Cracked Pavement 15=TCO Obstructed 16=Soft Shoulder Or Shoulder Drop Off 28=Other Roadway Factor 29=Other Environmental Factor 99=Unknown

Possible Vehicle Failures (V)	
00=None 01=Tires 02=Brake System 03=Steering System 04=Suspension 05=Power Train	06=Exhaust 07=Headlights 08=Signal Lights 09=Other Lights 10=Horn 11=Mirrors 12=Wipers 13=Driver Seating/Control 14=Body, Doors, Hood, Etc 15=Trailer Hitch 16=Wheels 17=Airbags 18=Trailer Overloaded 19=Unsecured/Shifted Trailer Load 20=Improper Towing 21=Obstructed Windshield 99=Unknown

Indicated Prime Factor	
Do not repeat this information on multiple pages. E/R V D P <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Unit No <input type="checkbox"/> 01 <input type="checkbox"/> Factor Code <input type="checkbox"/> 98 <input type="checkbox"/>

Driver Action (D)	
00=None 01=Driver Was Distracted 02=Driving Using Hand Held Phone 03=Driving Using Hands Free Phone 04=Making Illegal U-Turn 05=Improper/Careless Turning 06=Turning From Wrong Lane 07=Proceeding W/O Clearance After Stop 08=Running Stop Sign 09=Running Red Light 10=Failure To Respond To Other Traffic Control Device 11=Tailgating 12=Sudden Slowing/Stopping 13=Illegally Stopped On Road 14=Careless Passing Or Lane Change 15=Passing In No Passing Zone 16=Driving The Wrong Way On 1-Way Street	17=Careless Or Illegal Backing On Roadway 18=Driving On The Wrong Side Of Road 19=Making Improper Entrance To Highway 20=Making Improper Exit From Highway 21=Careless Parking/Unparking 22=Over/Under Compensation At Curve 23=Speeding 24=Driving Too Fast For Conditions 25=Failure To Maintain Proper Speed 26=Driver Fleeing Police (Pol Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equip 92=Affected By Physical Condition 98=Other Improper Driving Actions 99=Unknown

Pedestrian Action (P)	
00=None 01=Entering Or Crossing At Specified Location 02=Walking, Running, Jogging, Or Playing	03=Working 04=Pushing Vehicle 05=Approaching Or Leaving Vehicle 06=Working On Vehicle 07=Standing 98=Other 99=Unknown

Unit No	
Unit No <input type="checkbox"/> 01 <input type="checkbox"/> 1 <input type="checkbox"/> 98 <input type="checkbox"/> 2 <input type="checkbox"/> <input type="checkbox"/> 3 <input type="checkbox"/> <input type="checkbox"/> 4 <input type="checkbox"/> <input type="checkbox"/>	Unit No <input type="checkbox"/> 02 <input type="checkbox"/> 1 <input type="checkbox"/> 13 <input type="checkbox"/> 2 <input type="checkbox"/> <input type="checkbox"/> 3 <input type="checkbox"/> <input type="checkbox"/> 4 <input type="checkbox"/> <input type="checkbox"/>

Unit No	
Unit No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Unit No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 5

Police Use Only

Page

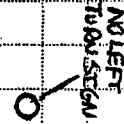
06

P0482667

NORTH



SHEETZ
101 WEST FRONT ST.



WEST FRONT ST.

TURNING

LANE



J.G. FOOD

NICHOLS ST.

Witness Name

Address

Phone

1 GREGORY WINTERS

967 MAIN ST. APT. #1 WOODLAND, PA 16881

814-857-2127

2

Narrative and additional witnesses:

Accident Investigation Notification Issued? ☒ Property Damage ☐

THIS ACCIDENT TOOK PLACE AS UNIT #2 WAS STOPPED IN THE WEST BOUND LANE OF WEST FRONT ST. (SR-0322) AWAITING TO MAKE A LEFT HAND TURN INTO SHEETZ WHICH IS NOT PERMITTED. UNIT #1 WAS ALSO TRAVELING IN THE SAME LANE AND SAME DIRECTION. DRIVER OF #1 FAILED TO SEE #2 AND STRUCK #2 FROM BEHIND.

NOTE - DRIVER OF #1 STATED SHE WAS TRAVELING APPROX. 25MPH.

Witness and Narrative

*
*
*
*
*
*
CIVIL ACTION
* NO. 2006-02074-CD
*
*
*
*

PLACE : Hanak, Guido & Taladay
Conference Room
DuBois, Pennsylvania

Appeared on behalf of Defendant Laux

Stenographic Notes Taken By
Siobhan Voss, R.P.R.
Schreiber Reporting Service
P.O. Box 997, St. Marys, Pa. 15857
814-834-5337

COPY

1 And since then I've been trained in everything from criminal
2 investigation, swat tactics, fire investigations. I could go
3 on. There's approximately 50 to 60.

4 Q I don't need you to do that.

5 Have you had training in accident investigation?

6 A Yes.

7 Q Did you actually see this accident occur?

8 A No, sir.

9 Q You responded to it after a dispatch of some sort?

10 A That's correct.

11 Q Can you give me a ballpark of how many accident
12 reports you've completed?

13 A I would have to say, to be conservative, probably
14 a hundred, if not more.

15 Q Do you know how it was that you learned of this
16 accident?

17 A At the time, I believe it was via radio
18 communications from Clearfield County 911.

19 Q And can you just tell me who all arrived at the
20 scene and how you took control of it, what you did.

21 A I arrived at the scene. I believe I arrived
22 first. And if I'm not mistaken, Officer Murray, if I remember
23 correctly, arrived after that. I don't recall any EMS
24 vehicles being on scene at that point.

25 It's kind of a congested area right there because

1 it's right in front of the new Sheetz, and it's on a little
2 three-lane piece of road right near J.G. Food Warehouse.

3 Q I understand that may have been the first day for
4 that Sheetz?

5 A No. It wasn't the first day, but it had to have
6 been close to when it opened.

7 Q And can you tell me what you saw and what you did.

8 A If I recall correctly, there was two vehicles
9 still on the roadway. I believe Mr. Laux's vehicle was
10 partially a little bit into the turning lane, which would have
11 been, if you're traveling eastbound, past Sheetz. It would be
12 the center lane.

13 What I call the middle vehicle that was involved,
14 I believe it was -- he had already pulled off the road into
15 the right part of -- it's a little parking area between a car
16 rental place and J.G. Food Warehouse right there.

17 Q So the middle car is off the road?

18 A Correct.

19 Q And there's a third car?

20 A Yes. There would have been a total of three
21 vehicles involved.

22 Q This was done as two separate accident reports, is
23 that correct?

24 A Yes. There was a little bit of misunderstanding I
25 believe between me and my supervisor at first.

1 Q What's that?

2 A Just as to how the accident should have been
3 completed.

4 Q Okay.

5 A So I decided that ultimately the reportable was
6 definitely the way to do it.

7 Q And when you said Mr. Laux's car -- and that's my
8 client -- when you say Mr. Laux's car was partially in the
9 center lane, can you tell me how much?

10 A Oh, maybe an eighth of the front end of it. Not
11 much of it. It's a little bit cockeyed, as you can see on the
12 diagram.

13 Q When you get to the scene, his car is still
14 sitting sort of in that area?

15 A Yes.

16 Q Mrs. Plyler's car was already pulled off you're
17 saying?

18 A No. It would have been the middle vehicle that
19 was already pulled off I believe.

20 Q Maybe I'm not following with the number of
21 vehicles then.

22 A Oh, no. I'm incorrect. It would be Mr. Laux's
23 vehicle was still there and then Mrs. Plyler's.

24 Q Okay.

25 What did you do first when you got out of the car?

1 A Oh, yes. It's hard to keep track of them.

2 Q Here we go. It's actually, if you go to this page
3 five, environmental roadway potential factors.

4 Do you see that, block 18?

5 A Yes.

6 Q You had 00.

7 A Okay. It wasn't raining then.

8 Q Okay. If it was, would you have filled out the
9 different block?

10 A Yes.

11 Q Okay. Let's go to the narrative then. I'm sorry.

12 A That's okay.

13 Q Is that your writing on the narrative?

14 A Yes.

15 Q It says, this accident took place as Unit No. 2 --
16 and that's my client, correct, Mr. Laux?

17 A Yes.

18 Q -- was stopped in the westbound lane of Front
19 Street, State Route 322.

20 A Yes.

21 Q I just want to know where you got that information
22 or where it was that --

23 A From Mr. Laux.

24 Q He told you he was stopped?

25 A He told me he stopped to make a left-hand turn

1 into Sheetz. He wanted to stop at Sheetz.

2 Q It says, he was waiting to make a left-hand turn
3 into Sheetz, which is not permitted.

4 A Correct.

5 Q I'm assuming he didn't tell you that was not
6 permitted. That would be you?

7 A There's a sign up.

8 Q Okay.

9 A And I had some issues with the way this was
10 signed.

11 Q I wanted to ask you questions about the sign
12 because I looked at your diagram, and I only see one sign.
13 And it says -- drawn on there where it says, no left turn
14 sign.

15 A Yes.

16 Q There's a circle drawn there.

17 A It was a ridiculous setup when they did it, and I
18 complained about it.

19 Q Has it been changed?

20 A Yes, now.

21 Q Now?

22 A Yes.

23 Q How is it now?

24 A There is a sign on the right-hand side if you
25 would be going west.

1 Q Over here by J.G. Food on your diagram?

2 A Yes.

3 Q So there was no sign over by J.G. Food at the time
4 saying no left turn?

5 A No. It was clean over where it indicated --
6 there's a house actually right beside Sheetz. So right on
7 that corner where it's marked.

8 Q Okay.

9 A And I had issues with it because if you looked at
10 it, I think it was a matter of interpretation the way it was
11 facing.

12 Q I wanted to ask you that. In your opinion, could
13 it have been taken as telling people no left turn coming out
14 of the Sheetz?

15 A I can believe that, yes.

16 Q I've seen those at a lot of Sheetzes.

17 A It's been changed, thank goodness, because there
18 were other accidents there.

19 Q Before this? After this?

20 A I think there might have been one before, and I
21 know there's been one or two, maybe even a third, same
22 issue --

23 Q Okay.

24 A -- trying to make a left turn.

25 Q Was there anything in the turning lane indicating

1 that you couldn't make a left-hand turn into Sheetz? Meaning
2 paint on that roadway.

3 A No.

4 Q So the only indication of the no left turn sign is
5 the one that you drew on there?

6 A Yes, because you can make a left turn into J.G.
7 out of the turning lane if you're going eastbound.

8 Q On West Front Street?

9 A So these -- again, I think if -- back then, if you
10 looked at it, it's a matter of interpretation is how it was
11 there.

12 Q Okay. And I'm not from this area, okay, so I
13 wanted to ask you, this Sheetz, you're saying it was fairly --
14 was new at the time?

15 A Yes.

16 Q What was there before Sheetz?

17 A It would have been a business called Thompson and
18 Buck.

19 Q What I'm going to ask you, and if you know, let's
20 say in the year before Sheetz opened, would there have been a
21 reason to make a left-hand turn into that location?

22 A Yes.

23 Q Okay.

24 A You could.

25 Q Did that sign go up -- the sign that is on here,

1 did it go up with the Sheetz?

2 A Yes.

3 Q So that was a new sign to the area as well?

4 A Yes.

5 Q Okay. I want to talk about the layout of the road
6 where this accident occurred, which is I guess West Front
7 Street.

8 A Yes.

9 Q Going in the direction of Mr. Laux and
10 Mr. Plyler -- Mrs. Plyler --

11 A Yes.

12 Q -- fairly flat?

13 A Yes.

14 Q What's the speed limit in there?

15 A It would be 25.

16 Q Any problems with sight distance in there that
17 you're aware of?

18 A Well, when you -- the way that both vehicles had
19 entered onto West Front, you come over Bridge Street. Again,
20 you're traveling westbound. So you would have to make a
21 right-hand turn.

22 Q Okay.

23 A There's very little distance. Once you make the
24 right turn, you have to pay attention to what you're doing, or
25 this is the end result.

1 Q Anybody indicate at any time that Mr. Laux's brake
2 lights weren't working that day?

3 A No.

4 Q Do you know if they were on at all while you were
5 there?

6 A I don't recall.

7 Q Were flashers on while you were there?

8 A I don't recall.

9 Q Mrs. Plyler ever tell you that his brake lights
10 weren't working?

11 A No.

12 Q Mr. Winters ever tell you that Mr. Laux's brake
13 lights weren't working?

14 A No.

15 Q I understand that you gave a citation to
16 Mrs. Plyler, is that correct?

17 A Yes. I issued -- I actually issued citations to
18 both individuals.

19 Q What were the results of the citations, if you
20 know.

21 A Mrs. Plyler, I'm -- I'm assuming that it was taken
22 care of.

23 Q You never appeared?

24 A No.

25 Mr. Laux ultimately did not appear for the summary

1 hearing at the magistrate's but took a hearing in front of the
2 judge.

3 Q Okay.

4 A There was -- and where this came about, I have no
5 clue, but there was some misinterpretation as to why Mr. Laux
6 was cited. He felt he was cited for where his vehicle was
7 parked after the accident, which is absurd. It's the most
8 ridiculous thing I've ever heard.

9 Q Okay.

10 A Mr. Laux was issued a citation for stopping on the
11 road and turning -- trying to turn into Sheetz, okay.

12 The judge felt that he was cited for where his
13 vehicle was after the accident. So he was found not guilty.

14 Q Not guilty.

15 Did he have a lawyer for that?

16 A No.

17 Q Do you know if any medics ever showed up at the
18 scene?

19 A Yes.

20 Q Who did they treat?

21 A I believe it would be his children, if I recall.

22 Q Do you know what the medics did?

23 A No.

24 Q Did you ever hear any conversation between the
25 children and the medics?

REDIRECT EXAMINATION

1

2 BY MR. NEIDERHISER:

3

Q I actually sidetracked myself earlier, and I
4 stopped halfway through your narrative. If we could go back
5 to that.

6

A Sure.

7

Q It says, Unit No. 1 was also traveling in the same
8 lane and the same direction.

9

Did someone give you that information, or was that
10 just from your own observations?

11

A That's just observations that I observed -- or was
12 told and from where the final resting place was.

13

Q It says, Driver of No. 1 failed to see No. 2 and
14 struck No. 2 from behind.

15

A That's correct.

16

Q Did Mr. Laux give you that information?
17 Mrs. Plyler? You observed it?

18

A No. Mrs. Plyler obviously did not see the
19 vehicle -- she felt that it was going backwards.

20

Q Okay. And then it says -- there's a note. Driver
21 of No. 1 stated she was traveling approximately 25 miles per
22 hour.

23

A Yes.

24

Q Do you recall her telling you that?

25

A Yes.

1 Q Did she indicate to you whether or not she hit her
2 brakes at all before this accident?

3 A No, she did not indicate, but from what I
4 observed, it would be my opinion she did not.

5 Q Okay. Would that be from the absence of skid
6 marks?

7 A Correct.

8 Q And from the damage to the cars?

9 A Correct.

10 Q And your experience doing this?

11 A Correct. There was quite a bit of damage to the
12 Laux vehicle for all the more distance that is there.

13 Q Okay.

14 A So that would tell me there was no effort made to
15 slow down or stop.

16 Q Anyone ever mention whether or not my client had a
17 turn signal on?

18 A Not that I recall.

19 MR. NEIDERHEISER: Those are all the
20 questions I have.

21 MS. SEGMILLER: Just two quick ones.

22 RECROSS EXAMINATION

23 BY MS. SEGMILLER:

24 Q When you make the right to get onto West Front
25 Street, do you know what the distance there is?

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

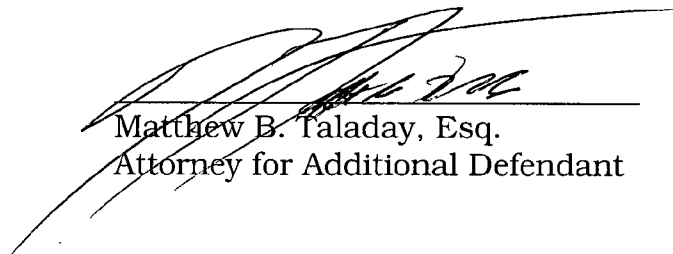
Additional Defendant

CERTIFICATE OF SERVICE

I certify that on the 19th day of September, 2008, a true and
correct copy of Additional Defendant's Exhibits to Motion for Summary
Judgment was sent via first class mail, postage prepaid, to the following:

Bryan S. Neiderhiser, Esq.
Attorney for Plaintiffs
P.O. Box 1107
Indiana, PA 15701

Kathleen A. Segmiller, Esq.
Attorney for Defendant
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219


Matthew B. Taladay, Esq.
Attorney for Additional Defendant

2A

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

DAVID LAUX and SARAH LAUX, his wife,
ASHLEY LAUX and SCOTT LAUX,
Plaintiffs

vs.

RUTH PLYLER,
Defendant

vs.

DAVID LAUX,
Additional Defendant

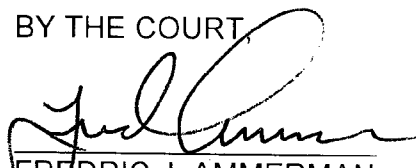
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NO. 06-2074-CD

ORDER

NOW, this 30th day of September, 2008, following argument on Additional Defendant David Laux's Motion for Summary Judgment as well as the Court's receipt and review of the parties' briefs, it is the ORDER of this Court that the said Motion for Summary Judgment be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

013:52BP
SEP 30 2008

60

William A. Shaw
Prothonotary/Clerk of Courts

ICC Attys: Talach
Mack/Neiderhiser
Segmiller

FILED

SEP 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/30/08

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

**PLAINTIFFS' PRAECIPE TO
PLACE CASE AT ISSUE**

JURY TRIAL DEMANDED

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED

DEC 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc
Atty Neiderhiser
GD

ORIGINAL

8 4

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

PLAINTIFFS' PRAECIPE TO PLACE CASE AT ISSUE

Please place the above-captioned action on the next available trial list.

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 81496

Dated: December 12, 2008

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

**PLAINTIFFS' CERTIFICATE
OF READINESS**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

FILED
DEC 15 2008

S

William A. Shaw
Prothonotary/Clerk of Courts

*cc
Bry Neiderhiser*

(611)

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

PLAINTIFFS' CERTIFICATE OF READINESS

I hereby certify that:

1. No motions are outstanding, discovery has been completed, and the case is ready for trial.
2. The case is to be a Jury Trial, with an estimated trial time of three (3) days.
3. Notice of the within Certificate of Readiness and Praeceptum to Place the Case at Issue have been forwarded to all counsel of record in this matter.

Plaintiffs' Attorney:

Bryan S. Neiderhiser, Esquire
Marcus & Mack, P.C.
57 South Sixth Street
Indiana, PA, 15701

Defendants' Attorney:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Additional Defendants'
Attorney:

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438

MARCUS & MACK, P.C.

By: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID 81496

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

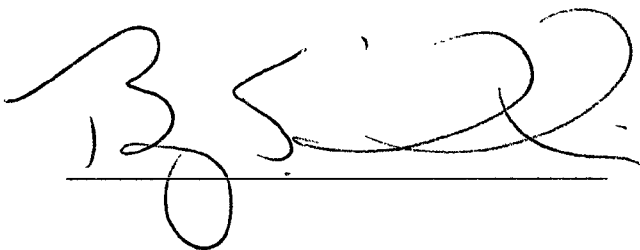
I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS'**

CERTIFICATE OF READINESS AND PRAECIPE FOR ISSUE DOCKET were mailed,

U.S. First Class mail, to the following this 12th day of December, 2008:

Kathleen A. Segmiller, Esquire
Segmiller & Mendicino, P.C.
3400 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
Attorney for Defendant

Matthew B. Taladay, Esquire
Hanak, Guido & Taladay
P. O. Box 487
Dubois, PA 15801-2438
Attorney for Additional Defendant

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

CA

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

DAVID LAUX; SARAH LAUX, his wife
ASHLEY LAUX; and SCOTT LAUX

vs.

No. 06-2074-CD

RUTH PLYLER

vs.

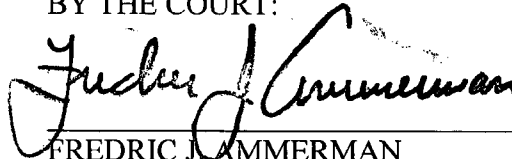
DAVID LAUX

ORDER

AND NOW, this 16th day of December, 2008, it is the Order of
the Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Thursday, February 5, 2009 at 2:00 P.M.** in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby
scheduled for April 2, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED
DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc Atty's:
Mack Neiderhiser
Segmiller
Tala day
G.W.

FILED

DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/16/08

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

CA

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH FLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

ORDER OF COURT

AND NOW, this 22ND day of December, 2008, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby rescheduled for **Thursday, February 5, 2009 at 3:30 p.m.** in Judges Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for April 2, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Judith J. Zimmerman
J.

FILED

DEC 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty's
Mack, Neiderhiser

1cc Atty Segmiller

1cc Atty Taladay

(610)

FILED

DEC 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/22/08

 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:

③

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

DAVID LAUX; SARAH LAUX, his wife;	*	NO. 06-2074-CD
ASHLEY LAUX and SCOTT LAUX,	*	
Plaintiffs	*	
	vs	
RUTH PLYER	*	
Defendant	*	
	vs	
DAVID LAUX,	*	
Additional Defendant	*	

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FEB 06 2009 Mack/Veiderhiser
William A. Shaw Segmiller
Prothonotary/Clerk of Courts
CIC

ORDER

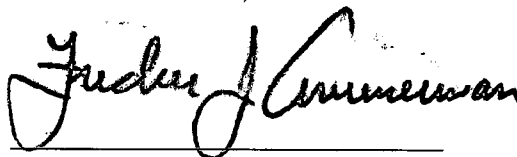
NOW, this 5th day of February, 2009, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on July 23, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for August 31, September 1 and 2, 2009 commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than forty-five (45) days from this date. Failure to comply will result in the witness not being available for use at trial.
4. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file

an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

5. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,

A handwritten signature in cursive script, reading "Fredric J. Ammerman". The signature is written in black ink and is positioned above a horizontal line.

FREDRIC J. AMMERMAN
President Judge

FILED

FEB 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/6/09

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

4

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

FILED

MAK 20 2009

5 m/12:05/✓
William A. Shaw
Prothonotary/Clerk of Courts

SENT TO ATT

**PRAECIPE FOR VOLUNTARY
DISCONTINUANCE AS TO
FEWER THAN ALL PARTIES**

Filed on behalf of Plaintiffs

Bryan S. Neiderhiser, Esquire
Counsel for Plaintiffs
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

ORIGINAL

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX,
his wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs,

vs.

RUTH PLYLER,

Defendant,

vs.

DAVID LAUX,

Additional Defendant.

No. 2006-02074-CD

JURY TRIAL DEMANDED

PRAECIPE FOR VOLUNTARY DISCONTINUANCE
AS TO FEWER THAN ALL PARTIES

TO THE PROTHONOTARY OF SAID COURT:

Please mark the above-captioned action as voluntarily discontinued as to Plaintiffs David
Laux and Sarah Laux only.

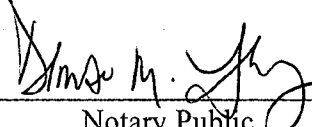
Respectfully submitted,

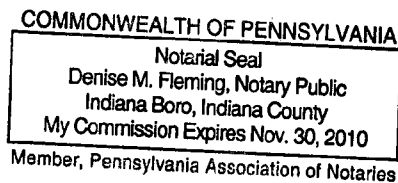
MARCUS & MACK, P.C.

BY: 

Bryan S. Neiderhiser, Esquire
57 South Sixth Street, P.O. Box 1107
Indiana, PA 15701
Telephone: 724-349-5602
Sup. Ct. ID 81496

Sworn and subscribed to before me
this 18th day of March, 2009.


Notary Public



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX, and
SCOTT LAUX,

Plaintiffs

vs.

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,

Additional Defendant

Type of Case: Civil Action

No. 2006-02074-CD

Type of Pleading:

Praceipe for

Discontinuance

Filed on Behalf of:

Plaintiffs and Defendant

Counsel of Record for This
Party:

Bryan S. Neiderhiser, Esq.

Counsel for Plaintiffs

Supreme Court No. 81496

Marcus & Mack

57 South Sixth Street

P.O. Box 1107

Indiana, PA 15701

(724) 349-5602

Kathleen A. Segmiller, Esq.

Counsel for Defendant

Supreme Court No. 62929

Segmiller & Mendicino, P.C.

3400 Gulf Tower

707 Grant Street

Pittsburgh, PA 15219

(412) 227-5884

Date:

6/5/09

FILED 1cc & 1 Cert of
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m/1:45pm JUN - 9 2009 to ASy Taladay
Copy to C/A
William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID LAUX; SARAH LAUX, his
wife; ASHLEY LAUX; and
SCOTT LAUX,

Plaintiffs

vs.

No. 2006-02074-CD

RUTH PLYLER,

Defendant

vs.

DAVID LAUX,


Additional Defendant

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Kindly mark the above captioned matter settled, ended and
discontinued with prejudice with regard to all claims between the parties.


Bryan S. Neiderhiser, Esq.
Counsel for Plaintiffs


Kathleen A. Segmiller, Esq.
Attorney for Claimant against
Additional Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

David Laux
Sarah Laux
Ashley Laux
Scott Laux

Vs.

No. 2006-02074-CD

Ruth Plyler
David Laux

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 9, 2009, marked:

Settled, ended and discontinued with prejudice

Record costs in the sum of \$85.00 have been paid in full by Jonathan B. Mack Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of June A.D. 2009.



LM

William A. Shaw, Prothonotary