

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

JACK WAYNE McBRIDE and
PAULINE McBRIDE,
Plaintiffs

vs.

RANDY E. TOCK and ADVANTAGE
TANK LINES, INC.,
Defendants

vs.

RICHARD HOOVER and the
PENNSYLVANIA STATE POLICE of the
COMMONWEALTH OF PENNSYLVANIA
Additional Defendants

No. 06-2102-CD

Type of Pleading: Consent Order

Filed on behalf of: Jack Wayne
McBride and Pauline McBride,
Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED *icc*
Aug 13 2007
Aug 22 2007
Atty McDermott
William A. Shaw
Prothonotary/Clerk of Courts

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

JACK WAYNE McBRIDE and
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Plaintiffs

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No. 06-2102-CD

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TANK LINES, INC.,
Defendants

vs.

RICHARD HOOVER and the
PENNSYLVANIA STATE POLICE of the
COMMONWEALTH OF PENNSYLVANIA
Additional Defendants

CONSENT ORDER

AND NOW, this 21st day of ^{for} ~~July~~ ^{August}, 2007, upon consent of the parties, it is
hereby stipulated as follows: *and Ordered my*

1. The parties stipulate that Richard Hoover and the Pennsylvania State Police of the Commonwealth of Pennsylvania be joined to the above captioned action as original defendants and be stricken from the above captioned action as additional defendants; Plaintiff may file an Amended Complaint naming Richard Hoover and Pennsylvania State Police of the Commonwealth of Pennsylvania as original Defendants.

Defendants Randy E. Tock and Advantage Tank Lines, Inc., may assert crossclaims against Richard Hoover and the Pennsylvania State Police for indemnity and/or contribution in their Answer to the Amended Complaint.
my

2. The parties further stipulate that venue be transferred to Centre County. with the ^{PRO} costs of transfer to be paid by the Commonwealth defendant.
3. The parties further stipulate that the caption of the Amended Complaint be ^{and}

amended to read as follows:

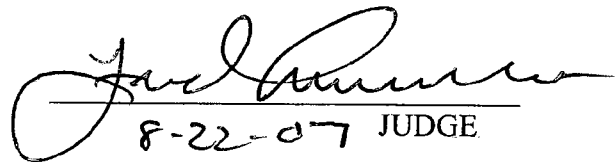
JACK WAYNE McBRIDE and
PAULINE McBRIDE,
Plaintiffs

vs.

Hoover and me
RANDY E. TOCK and ADVANTAGE
TANK LINES, INC., and *Richard*
PENNSYLVANIA STATE POLICE OF
THE COMMONWEALTH OF
PENNSYLVANIA

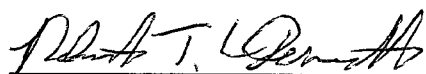
Defendants

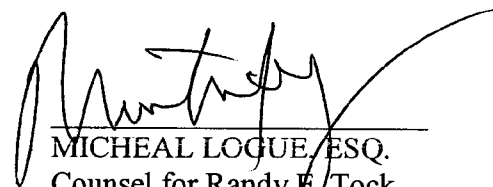
BY THE COURT,

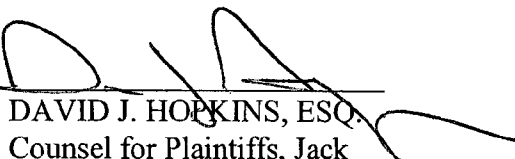

8-22-07 JUDGE

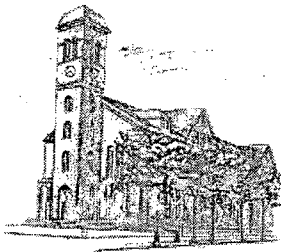
I hereby consent to the form and entry of the within Order.

THOMAS W. CORBETT, JR.
Attorney General


ROBERT T. MCDERMOTT
Sr. Deputy Attorney General
Counsel for Richard Hoover and the Pennsylvania
State Police of the Commonwealth of
Pennsylvania


MICHEAL LOGUE, ESQ.
Counsel for Randy E. Tock
and Advantage Tank Lines,
Inc.


DAVID J. HOPKINS, ESQ.
Counsel for Plaintiffs, Jack
Wayne McBride and Pauline
McBride



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

COPY

August 30, 2007

David J. Hopkins, Esq.
100 Meadow Lane, Ste. 5
DuBois, PA 15801

Jay L. Edelstein, Esq.
230 South Broad Street
Philadelphia, PA 19102

Robert T. McDermott, Esq.
564 Forbes Avenue
Pittsburgh, PA 15219

Re: Jack W. McBride et al vs. Randy E. Tock et al
Clearfield County Case No. 06-2102-CD

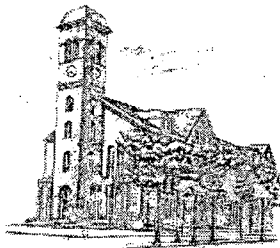
Dear Counsel:

Please be advised the above-captioned case has been transferred to Centre County this date, pursuant to the Honorable President Judge Fredric J. Ammerman's Order of August 22, 2007, and Attorney Robert T. McDermott's Praecipe to Transfer Case filed August 27, 2007.

Sincerely,

William A. Shaw
Prothonotary

Cc: Honorable President Judge Fredric J. Ammerman



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

August 30, 2007

COPY

Debra C. Immel
Prothonotary
Allegheny & High Street
Bellefonte, PA 16823

Re: Jack W. McBride et al vs. Randy E. Tock et al
Clearfield Co. Case No. 06-2102-CD

Dear Ms. Immel:

Enclosed, please find the above captioned case, transferred to your county per the Honorable President Judge Fredric J. Ammerman's order of August 22, 2007. Please also find enclosed the Commonwealth of Pennsylvania's check #021625 in the amount of \$21.00 for your filing fee.

Please acknowledge your receipt of the case by signing the copy of the letter enclosed and returning it to me in the self-addressed stamped envelope I have provided. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

06-2102-CD
Jack W. McBride et al vs. Randy E. Tock et al

On _____, 200____, I have received the above-captioned case,
transferred to Centre County.

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

**Jack Wayne McBride
Pauline McBride**

Vs.

CASE #2006-02102-CD

**Randy E. Tock
Advantage Tank Lines, Inc.
Richard Hoover
Pennsylvania State Police
Commonwealth of Pennsylvania, Office of Atty. Gen.**

CERTIFICATION OF DOCKET ENTRIES

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Court, on the 30th day of August, 2007.

**William A. Shaw
Prothonotary**

**BY: William A. Shaw
Deputy**

Date: 08/30/2007

Time: 01:45 PM

Page 1 of 2

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2006-02102-CD

Current Judge: Fredric Joseph Ammerman

Civil Other

Date		Judge
12/19/2006	New Case Filed.	No Judge
	Filing: Civil Complaint Paid by: Hopkins, David J. (attorney for McBride, Jack Wayne) Receipt number: 1916850 Dated: 12/19/2006 Amount: \$85.00 (Check) 3 CC Shff.	No Judge
01/26/2007	Praeipe For Entry of Appearance and Demand for Jury Trial,, filed by Atty. Edelstein 1 Cert. to Atty. Kindly enter our appearance on behalf of defendants. s/Jay L. Edelstein, Esq.	No Judge
02/05/2007	Answer of Defendants Advantage Tank Lines, INc. and Randy E. Tock to Plaintiffs Jack Wayne McBride and Pauline McBride's Complaint with New Matter, filed by s/ Gary J. Brascetta Esq. No CC.	No Judge
02/07/2007	Answer To New Matter, filed by s/David J. Hopkins, Esquire. No CC	No Judge
03/16/2007	Complaint to Join Additional Defendants, Richard Hoover, Pennsylvania State Police and the Commonwealth of Pennsylvania., filed by Atty. Brascetta 3 Cert. to Sheriff.	No Judge
03/19/2007	Sheriff Return, December 28, 2006, Sheriff of Venango County was deputized. January 17, 2007 at 10:27 am Served the within Complaint on Randy E. Tock. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Hopkins \$31.00 Venango Co. costs pd by Hopkins \$47.00	No Judge
04/16/2007	Praeipe For Entry of Appearance, filed on behalf of the defendants, Richard Hoover and Pennsylvania State Police, and the Commonwealth of Pennsylvania. Enter appearance of Robert T. McDermott, Sr. Deputy Attorney General. Filed by Robert T. McDermott, Sr. Deputy Attorney General. No CC	No Judge
07/02/2007	Preliminary Objections in the nature of a Petition to Transfer Venue, filed by Atty. McDermott. no cert. copies.	No Judge
07/10/2007	Order of Court, Now, this 9th day of July, 2007, argument on Preliminary Objections is scheduled for the 22nd day of august, 2007, at 9:30 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. McDermott	Fredric Joseph Ammerman
07/12/2007	Sheriff Return, March 21, 2007, Sheriff of Centre County was deputized. March 29, 2007 at 5:35 pm Served the within Complaint to Join Additional Defendant on Richard Hoover. March 29, 2007 at 5:35 pm Served the Complaint to Join Additional Defendant on Pennsylvania State Police. March 19, 2007, Sheriff of Dauphin County was deputized. March 27, 2007 at 10:45 am Served the within Complaint to Join Additional Defendant on The Commonwealth of Pennsylvania Office of Attorney General. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Edelstein \$63.00 Dauphin Co. costs pd by Edelstein \$29.25 Centre Co. costs pd by Edestein \$41.50	Fredric Joseph Ammerman
07/20/2007	Prerequisite to Service of a Subpoena For Documents and Things Pursuant to Rule 4009.22. Filed by s/ Michael Logue, Esquire. No CC	Fredric Joseph Ammerman
08/22/2007	Consent Order, AND NOW, this 21st day of August, 2007, Re: Venue to be transferred to Centre County. (See Original for details) BY THE COURT: /s/Fredric J. Ammerman, P.J. s/Robert T. McDermott s/Micheal Logue s/David J. Hopkins One CC Attorney McDermott	Fredric Joseph Ammerman
08/24/2007	Amended Complaint, filed by s/ David J. Hopkins, Esquire. 2CC to Atty.	Fredric Joseph Ammerman

Date: 08/30/2007

Time: 01:45 PM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2006-02102-CD

Current Judge: Fredric Joseph Ammerman

User: BHUDSON

Civil Other

Date		Judge
08/30/2007	Filing: Praecipe to Transfer Case Paid by: Commonwealth of Pennsylvania, Office of Atty. Gen. (defendant) Receipt number: 1920475 Dated: 08/30/2007 Amount: \$15.00 (Check) filed by s/Robert T. McDermott No CC	Fredric Joseph Ammerman

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

AUG 30 2007

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

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

JACK WAYNE McBRIDE and
PAULINE McBRIDE

Plaintiff,

v.

RANDY E. TOCK AND ADVANTAGE
TANK LINES, INC.,

v.

RICHARD HOOVER
PENNSYLVANIA STATE POLICE,
AND THE COMMONWEALTH OF
PENNSYLVANIA,

Defendants.

CIVIL DIVISION

Case No. 06-2102-CD

PRAECIPE TO TRANSFER CASE

Filed on behalf of Defendant:

PENNSYLVANIA STATE POLICE,
AND RICHARD HOOVER

Counsel of Record for this Party:

Robert T. McDermott
Sr. Deputy Attorney General
PA ID #39338

Office of Attorney General
Torts Litigation Section
564 Forbes Avenue
Manor Complex
Pittsburgh, PA 15219
(412) 565-2572

JURY TRIAL DEMANDED

COPY
FILED
M10:21:01
AUG 27 2007
No
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Any pd. 15.00
William A. Shaw
Prothonotary/Clerk of Courts
BOW
14

PRAECIPE TO TRANSFER CASE

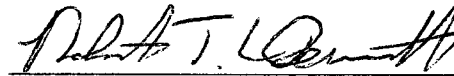
TO THE PROTHONOTARY

Please transfer this case from Clearfield County Court of Common Pleas to the Court of
Common Pleas of Centre County. Costs of transfer have been paid.

Respectfully Submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:

A handwritten signature in dark ink, appearing to read 'Robert T. McDermott', is written over a horizontal line.

ROBERT T. McDERMOTT
Sr. Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe to Transfer case were served upon the following counsel of record by mailing the same via first class mail, postage pre-paid, on August 22, 2007:


David J. Hopkins, Esq.
100 Meadows Lane, Suite 5
DuBois, PA 15801
(Counsel for Plaintiffs)

Michael Logue, Esq.
230 South Broad Street, Suite 900
Philadelphia, PA 19102
(Counsel for Original Defendants)

Respectfully Submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY:


ROBERT T. McDERMOTT
Sr. Deputy Attorney General

06-2102-CD

RECEIPT

I hereby certify that I received check No. 021625 from the Commonwealth of Pennsylvania, Office of Attorney General, in the amount of \$21.00 which represents Filing Fee for ~~Exemplification of Record~~ in the case of McBride v St Police/No. 06-2102/Clearfield ^{CIVIL ACTION} County/ICMS#12184.

M. Jean Wilson

DATE: 8-31-07

FID No. 2007-3721

Cash is \$95.00. We will bill the Commonwealth additional \$74.00.
Jaw

FILED
m 11/16/07
SEP 10 2007
NO CC
GK

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

5
FILED 1CC
MCS Group
10:40am
DEC 26 2008
(U)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE MATTER OF:

COURT OF COMMON PLEAS

JACK WAYNE MCBRIDE AND PAULINE MCBRIDE

TERM,
CLEARFIELD

-VS-

CASE NO: 06-2102-CD

RANDY E. TOCK AND ADVANTAGE TANK LINES,
INC.

As a prerequisite to service of a subpoena for documents and things pursuant
to Rule 4009.22

MCS on behalf of LANNI KLEIN, ESQ.
certifies that

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

MCS on behalf of

DATE: 12/22/2008

LANNI KLEIN, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

JACK WAYNE MCBRIDE AND PAULINE MCBRIDE

TERM,

-VS-

CASE NO: 06-2102-CD

RANDY E. TOCK AND ADVANTAGE TANK LINES,
INC.

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

CLEARFIELD HIGH SCHOOL

SCHOLASTIC

TO: DAVID J. HOPKINS, ESQ., PLAINTIFF COUNSEL

MCS on behalf of LANNI KLEIN, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 11/28/2008

MCS on behalf of

LANNI KLEIN, ESQ.

Attorney for DEFENDANT

CC: LANNI KLEIN, ESQ.

- 320.004
-

Any questions regarding this matter, contact
DAVID J. HOPKINS, ESQ.
100 MEADOW LANE
STE 5
DUBOIS, PA 15801

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Jack Wayne McBride
Pauline McBride
Plaintiff(s)

*

Vs.

*

No. 2006-02102-CD

Randy E. Tock
Advantage Tank Lines, Inc.
Richard Hoover
Pennsylvania State Police
Commonwealth of Pennsylvania, Office of
Atty. Gen.
Defendant(s)

*

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

TO: _____
(Name of Person or Entity)

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

(Address)

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

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

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

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUPREME COURT ID # _____

ATTORNEY FOR: _____

BY THE COURT:


William J. Sklar
Prothonotary/Clerk, Civil Division

DATE: Monday, November 24, 2008
Seal of the Court

Deputy

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

CLEARFIELD HIGH SCHOOL
2831 WASHINGTON AVENUE

CLEARFIELD, PA 16830

RE: 94481
JACK W. MCBRIDE

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

ALL SCHOOL RECORDS PERTAINING TO HIS LEARNING DISABILITY.
GRADUATED IN 1980.

Dates Requested: up to and including the present.

Subject : JACK W. MCBRIDE

2420 SALEM ROAD, W. DECATUR, PA 16878

Social Security #: XXX-XX-1667

Date of Birth: 12-22-1960