



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
COWEN TRUCK LINES, CIVIL DIVISION

Plaintiff,

G.D. No. 062113-CD

v.

MERIT TRANSPORTATION,

Defendant.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY, OR BY AN ATTORNEY, AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Second & Market Street  
Clearfield, PA 16830  
(814) 765-2641, ext. 50-51

**FILED** pd \$85.00 AH  
11:20 am ICC AH  
**DEC 21 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COWEN TRUCK LINES,

CIVIL DIVISION

Plaintiff,

No.

v.

Issue No.

MERIT TRANSPORTATION,

**COMPLAINT**

Defendant.

Code:

Filed on behalf of Plaintiff

Counsel of record for this party:

John T. Pion, Esquire  
PA I.D. # 43675

Ashley A. Totodo, Esquire  
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

COWEN TRUCK LINES,

CIVIL DIVISION

G.D. No.

**V.**

MERIT TRANSPORTATION,

Defendant.

## COMPLAINT

AND NOW, comes the Defendant, Cowen Truck Line, Inc., by and through its counsel, Dickie, McCamey & Chilcote, P.C. and files the following Complaint:

## **PARTIES AND FACTUAL BACKGROUND**

1. Plaintiff, Cowen Truck Line, Inc. (“Cowen”) is an Ohio Corporation with its principle place of business at 2697 St. Rt. 39, P.O. Box 480, Perrysville, Ohio 44864.
2. Defendant, Merit Transportation Company, LLC (“Merit”) is a Nebraska Corporation with its principle place of business at 10330 South 152<sup>nd</sup> Street, Omaha, Nebraska 68138.
3. On or about December 17, 2005, David Savine, a driver for Plaintiff’s company was sitting in Defendant’s vehicle at a truck stop parking lot.
4. While Plaintiff’s vehicle was parked in the truck stop parking lot, a driver for Defendant’s company, while in the course and scope of his employment, was operating a tractor trailer owned by Defendant.
5. While operating Defendant’s vehicle and attempting to turn Defendant’s vehicle around, Defendant’s employee backed into Plaintiff’s vehicle, causing damage.

**COUNT I – NEGLIGENCE**

6. Plaintiff restates all of the allegations set forth as if fully rewritten herein.

7. At all times relevant to the events set forth in this Complaint, Defendant Merit owned and controlled the vehicle driven by their employee.

8. At all times relevant to the events set forth in this Complaint, Defendant's employee was within the course and scope of agency and/or employment with Defendant Merit.

9. As such Defendant Merit is liable for the tortuous acts committed by its employee and all damages as set forth in this Complaint.

10. Defendant's employee negligently operated Defendant's tractor trailer in such a way that it struck the vehicle owned by Plaintiff.

11. As a direct and proximate result of Defendant's employees' negligence and as a direct and proximate result of the collision described above, Plaintiff's vehicle suffered damages.

12. As a direct and proximate result of Defendant's employee's negligence and as a direct and proximate result of the collision described above, Plaintiff's vehicle suffered damages in the amount of \$3,893.78 for labor and repairs.

13. As a direct and proximate result of Defendant's employee's negligence and as a direct and proximate result of the collision described above, Plaintiff's vehicle suffered damages in the amount of \$6,133.09 for replacement parts.

14. As a direct and proximate result of Defendant's employees, negligence and as a direct and proximate result of the collision described above, Plaintiff suffered damages in the amount of \$13,733.00 for downtime to the subject vehicle.

WHEREFORE, Plaintiff Cowen Truck Lines, Inc. prays for judgment on its claims against Defendant, for the amount of \$23,759.84. Additionally, Plaintiff demands

interest, its costs incurred herein and any and all other just and equitable relief to which it is entitled.

**JURY TRIAL DEMANDED**

Respectfully submitted,

Dickie, McCamey & Chilcote, P.C.

By 

John T. Pion, Esquire

Ashley A. Totedo, Esquire

Attorney for Plaintiff



**Ashley A. Totedo**  
Attorney-at-Law  
Admitted in PA

Direct Dial: 412-392-5528  
Direct Fax: 412-392-5367  
atotedo@dmclaw.com

December 19, 2006

William Shaw, Prothonotary  
Clearfield County Courthouse  
230 E. Market Street  
P.O. Box 549  
Clearfield, PA 16830

RE: Cowen Truck Lines v. Merit Transportation  
Our File No.: 7434.296053

Dear Mr. Shaw:

Enclosed please find the Complaint which I am requesting to be filed in the above captioned matter. I have enclosed our Firm's draft in the amount of \$85.00 for filing of the Complaint. Also enclosed is a self-addressed stamped envelope for return of the Complaint to me so that I may have it served on the Defendants.

If you should have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ashley A. Totedo".

Ashley A. Totedo

AAT:bd  
Enclosures

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COWEN TRUCK LINES,

Plaintiff,

v.

MERIT TRANSPORTATION,

Defendant.

CIVIL DIVISION

No. 06-2113-CD

Issue No.

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Code:

Filed on behalf of Plaintiff

Counsel of record for this party:

John T. Pion, Esquire

PA I.D. # 43675

Ashley A. Totodo, Esquire

PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.

Firm #067

Two PPG Place, Suite 400

Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

**FILED**

JAN 12 2007

William A. Shaw  
Prothonotary/Clerk of Courts

no cert.

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COWEN TRUCK LINES,	)	CIVIL DIVISION
	)	
Plaintiff,	)	G.D. No. 06-2113-CD
	)	
v.	)	
	)	
MERIT TRANSPORTATION,	)	
	)	
Defendant.	)	

**PRAECIPE TO SETTLE AND DISCONTINUE**

TO: William Shaw, Prothonotary

Kindly mark the docket settled and discontinued in the above-captioned case.

Dated: 1/10/07

Respectfully submitted,

Dickie, McCamey & Chilcote, P.C.

By Ashley A. Totodo  
John T. Pion, Esquire  
Ashley A. Totodo, Esquire

Attorney for Plaintiff

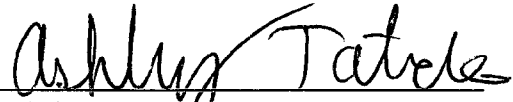
**CERTIFICATE OF SERVICE**

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe to Settle and Discontinue was served upon counsel of record by U.S. mail, postage prepaid, this 10 day of January, 2007, as follow:

Merit Transportation Company, LLC  
10330 South 152<sup>nd</sup> Street  
Omaha, Nebraska 68138

DICKIE, McCAMEY & CHILCOTE, P.C.

By



John T. Pion, Esquire  
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402  
(412) 281-7272

Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Cowen Truck Lines

Vs.

No. 2006-02113-CD

Merit Transportation

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 12, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Dickie, McCamey & Chilcote.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of January A.D. 2007.

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William A. Shaw, Prothonotary