

06-2122-CD
G. Swanson al vs Brian Rumery al

Genevieve Swanson et al vs Brian Rumery et
2006-2122-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and CYNTHIA
RUMERY,

Defendants.

No. 06-2122-CD

PRAECIPE FOR WRIT OF SUMMONS IN
A CIVIL ACTION

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

FILED 02/05/2007 AFT
M 11:40 am
DEC 22 2006 Writ + instr to
shff.
LS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.:

Plaintiffs

-vs-

BRIAN J. RUMERY and CYNTHIA
RUMERY,

Defendants

PRAECIPE FOR WRIT OF SUMMONS
IN A CIVIL ACTION

TO: William A. Shaw, Sr., Prothonotary

Kindly issue a Writ Of Summons In A Civil Action in the within matter directed against
the Defendants, Brian. J. Rumery and Cynthia Rumery, whose last known address is 1916
Barrett Road, Woodland, Clearfield County, Pennsylvania.

EDGAR SNYDER & ASSOCIATES, LLC

By



Geoffrey S. Casper
Attorney for Plaintiffs

Edgar Snyder & ASSOCIATES^{LLC}

A Law Firm Representing Injured People.

100 West High Street
Ebensburg, PA 15931

Telephone: 814-472-9000
Fax: 814-472-9411

Geoffrey S. Casher, Esquire
gcasher@edgarsnyder.com

Other Offices In: Pittsburgh
Altoona • Erie • Johnstown

December 20, 2006

William A. Shaw, Sr., Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield PA 16830

Re: Swanson v. Rumery

Dear Mr. Shaw:

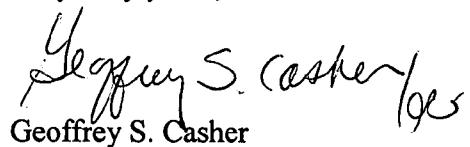
Please find enclosed for the above matter the following:

1. The original and one cover sheet of the Praecept For Writ of Summons In A Civil Action;
2. Check payable to you in the amount of \$85.00;
3. Instructions, a return envelope, and a check payable to the Sheriff in the amount of \$100.00.
4. A return envelope to this office.

I would appreciate it very much if you would file the Praecept, and then forward the Writ to the Sheriff for service, along with the Instructions, return envelope and the check to the Sheriff. Would you please return the copy of the Praecept, time stamped and docketed, and the receipt for the filing fee to this office in the enclosed, stamped envelope.

If there is anything further you need in order to file this matter, please call me and I will be happy to provide it to you. In closing, I would like to thank you for your anticipated attention to this matter.

Very truly yours,


Geoffrey S. Casher

GSC/lcb
Enclosures

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

COPY

SUMMONS

**Genevieve Swanson
Claude Swanson**

Vs.

NO.: 2006-02122-CD

**Brian J. Rumery
Cynthia Rumery**

**TO: BRIAN J. RUMERY
CYNTHIA RUMERY**

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: 12/22/2006

William A. Shaw

William A. Shaw
Prothonotary

Issuing Attorney:

Geoffrey S. Casher Esq
100 W. High Street
Ebensburg, PA 15931

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No. 06-2122

Plaintiffs,

COMPLAINT IN CIVIL ACTION

vs.

BRIAN J. RUMERY and CYNTHIA
RUMERY,

Defendants.

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

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M 15 2004
JAN 05 2004
S

William A. Shaw
Prothonotary/Clerk of Courts

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

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.:

Plaintiffs,

vs.

BRIAN J. RUMERY and CYNTHIA
RUMERY,

Defendants.

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 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 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 A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE -

Court Administrator's Office
1 North Second Street
Clearfield, PA 16830

Telephone (814) 765-2641, Ext: 50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 06-2122

Plaintiffs

-vs-

BRIAN J. RUMERY and CYNTHIA
RUMERY,

Defendants

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiffs, Genevieve Swanson and Claude Swanson, husband and wife, by and through their attorneys, EDGAR SNYDER & ASSOCIATES, LLC and GEOFFREY S. CASHER, ESQUIRE and files the following Complaint in Civil Action and in support thereof avers the following:

1. The Plaintiffs, Genevieve Swanson and Claude Swanson, are husband and wife who reside at 97 Turner Road, Woodland, Clearfield County, Pennsylvania 16881.
2. The Defendant, Brian Rumery and Cynthia Rumery, are adult individuals whose last known address is 1916 Barrett Road, Woodland, Clearfield County, Pennsylvania 16881.
3. The events hereinafter complained of occurred on February 5, 2005, at or near properties owned by Brian and Cynthia Rumery, property located at 1916 Barrett Road, Woodland, Clearfield County, Pennsylvania.
4. At the aforementioned date, Genevieve Swanson was bitten by a dog owned by the Defendants as she was walking along Barrett Road.

5. The Defendants are individually or jointly responsible for the care, custody, control and restraint of their dog which viciously bit the adult Plaintiff.

6. At all times material hereto, the dog had been in the possession, ownership and/or control of the Defendants, Brian Rumery and Cynthia Rumery and had permitted the dog to roam free outside their house in direct proximity to the Plaintiff, Genevieve Swanson.

7. At all times material hereto, the Defendants, Brian Rumery and Cynthia Rumery, had actual knowledge and/or should have known that the aforementioned dog had dangerous, hazardous and vicious propensities to bite and be dangerous to individuals to whom it could and may harm.

8. Alternately, the Defendants, Brian Rumery and Cynthia Rumery, never informed the Plaintiff of the dangerous and vicious propensities of said dog nor that the dog had been known to have vicious propensities and had a tendency to bite and be dangerous to individuals.

9. On February 5, 2005, the Defendants' dog viciously bit the Plaintiff on her upper left arm and when the Plaintiff could not shake the dog lose, the Defendant, Mr. Brian Rumery, pulled the animal off the Plaintiff's arm.

10. That Mr. Brian Rumery then left the animal lose again and the animal turned back to the Plaintiff and bit her in her left forearm and left elbow.

11. The Defendants were negligent, careless and reckless in the following particulars:

- a. In failing to disclose to your Plaintiff the dangerous and hazardous propensities of the dog and his vicious tendencies;
- b. In failing to be diligent in or supervise the actions of said animal in a constant and/or safe and proper manner;
- c. In failing to protect the public in general and the Plaintiff in particular from the vicious and dangerous propensity of said animal by allowing the dog to roam free in their yard when they knew or should have known of his dangerous propensities;

- d. In allowing or permitting the dog to be placed in or near the Plaintiff when they had actual or constructive notice of the fact that the dog had dangerous, hazardous and vicious propensities and would act in an erratic behavior;
- e. In allowing or permitting the dog to roam free in their yard without informing the Plaintiff of the potential harms and hazards that could come from the dog in question;
- f. In permitting the dog to be placed in a property not properly secured area which was locked.
- g. In violating the local and state ordinance regarding restraint of animals and or licensing procedures thereto;
- h. In violating the Pennsylvania Dog Laws;
- i. In allowing the dog to roam free without appropriate fencing, leashing or adequate restraints when they had actual or constructive notice of the fact that the dog had dangerous, hazardous or vicious propensities and would act accordingly.

12. As a direct and proximate result of the aforesaid accident and negligence of the

Defendants, your Petitioner Genevieve Swanson sustained the following injuries:

- a. Puncture wounds to left arm and upper extremity;
- b. Pain, swelling, tenderness, redness to left arm with burning sensation;
- c. Left arm cellulites with mid arm ulceration;
- d. Intolerance to cold;
- e. Numbness in fingers to left hand, pain radiation;
- f. Bruising and erythema around the wounds;
- g. Hand and arm weakness;
- h. Post traumatic anxiety and phobia.

13. As a direct and proximate result of the aforesaid accident, the Plaintiff has suffered bodily harm, pain, suffering, inconvenience and embarrassment and loss of enjoyment of life's pleasures and permanent scarring and disfigurement.

14. As a direct and proximate result of the aforesaid accident, the Plaintiff has been caused to incur medical and/or doctor's bills and will incur medical bills and doctor's bills in the future all of which are recoverable in the present action.

WHEREFORE, the Plaintiff, Genevieve Swanson, respectfully requests that judgment be entered against the Defendants, Brian J. Rumery and Cynthia Rumery, in an amount in excess of the statutory arbitration limits.

JURY TRIAL DEMANDED.

COUNT II
CLAUDE SWANSON VS. BRIAN RUMERY AND CYNTHIA RUMERY

Husband Plaintiff, Claude Swanson, hereby incorporates by reference the allegations of fact set forth in paragraph 1 through 14 inclusively as fully as if the same were herein set forth at length.

15. As a result of the aforesaid injuries to the wife Plaintiff, the husband Plaintiff has been damaged as follows in that he has lost and will continue to lose the comfort, society, companionship and services of his wife.

WHEREFORE, the Plaintiff husband demands judgment against the Defendant in an amount in excess of the arbitration limits in Clearfield County.

JURY TRIAL DEMANDED.

COUNT III
PUNITIVE DAMAGES

Paragraphs 1 through 15 above are hereby incorporated by reference as though fully set forth herein.

16. At the time of the above-described accident your Defendants knew that the dog in question herein was dangerous, would create a hazard, had vicious propensities or vicious tendencies and suffered from erratic behavior.

17. That the Defendants, Brian Rumery and Cynthia Rumery, knew or should have known of the vicious propensities of the dog in question herein in that said dog had attacked other individuals previously.

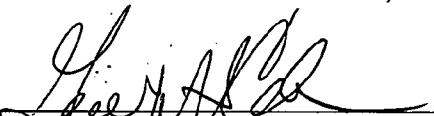
18. That the Defendants were grossly negligent when they allowed the said dog to roam freely without appropriate restraint, supervision, leashing or fencing.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, Brian Rumery and Cynthia Rumery in an amount in excess of the statutory arbitration limits under this count for punitive damages.

JURY TRIAL DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casher, Esquire
100 West High Street
Ebensburg PA 15931

VERIFICATION

We, Genevieve Swanson and Claude Swanson, Plaintiffs herein, hereby verify that the averments of fact contained in the foregoing Complaint in Civil Action are true and correct and based upon our personal knowledge, information or belief. We understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.

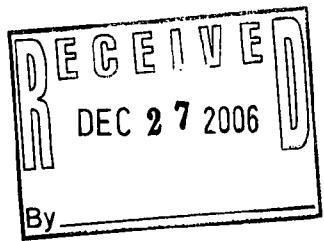
Genevieve Swanson
Genevieve Swanson

Claude Swanson
Claude Swanson

Date: 12/23/06

FILED
JAN 05 2007

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102279
NO: 06-2122-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: GENEVIEVE SWANSON and CLAUDE SWANSON
VS.
DEFENDANT: BRIAN J. RUMERY and CYNTHIA RUMERY

SHERIFF RETURN

NOW, January 12, 2007 AT 2:40 PM SERVED THE WITHIN SUMMONS ON BRIAN J. RUMERY DEFENDANT AT 1916 BARRETT ROAD, WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRIAN J. RUMERY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
01/30/07
MAR 20 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102279
NO: 06-2122-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: GENEVIEVE SWANSON and CLAUDE SWANSON
VS.
DEFENDANT: BRIAN J. RUMERY and CYNTHIA RUMERY

SHERIFF RETURN

NOW, January 12, 2007 AT 2:40 PM SERVED THE WITHIN SUMMONS ON CYTHIA RUMERY DEFENDANT AT 1916 BARRETT ROAD, WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRIAN RUMERY, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102279
NO: 06-2122-CD
SERVICES 2
SUMMONS

PLAINTIFF: GENEVIEVE SWANSON and CLAUDE SWANSON

vs.

DEFENDANT: BRIAN J. RUMERY and CYNTHIA RUMERY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	SNYDER	9621	20.00
SHERIFF HAWKINS	SNYDER	9621	28.85

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

2006-2122 -CD
NO. 2005-4946

PRELIMINARY OBJECTIONS

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED ^{no cc}
Mia. 26 2007
MAR 26 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

PRELIMINARY OBJECTIONS

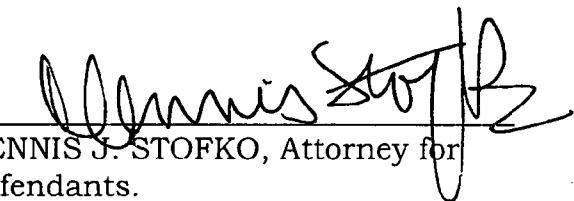
NOW COME the Defendants, the Defendants, Brian J. Rumery and Cynthia Rumery, by and through their counsel, Dennis J. Stofko and files the following Preliminary Objections to Plaintiffs' Complaint.

1. This case arises from a dog bite incident that occurred on February 5, 2005 at 1916 Barrett Road, Woodland, Clearfield County, Pennsylvania.
2. The aforesaid property is owned by Defendants Brian and Cynthia Rumery.
3. On said date, the Plaintiff Genevieve Swanson was walking along Barrett Road when she alleges she was bit by Defendants' dog.
4. The Plaintiffs have now filed several counts against the Defendants which includes a claim for punitive damages.

COUNT III DEMURRER

5. The Defendants aver that the facts as pled in Plaintiff's complaint do not rise to the level of punitive damages in that the conduct was not outrageous or willful as required by Pennsylvania case law.

WHEREFORE, the Defendants, Brian J. Rumery and Cynthia Rumery, request your Honorable Court enter an order striking Plaintiffs' claim for punitive damages as set forth in Count III.


DENNIS J. STOKO, Attorney for
Defendants.

FILED
M 11:27 AM NO
MAR 26 2007
cc
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs

vs.

No. 06-2122

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

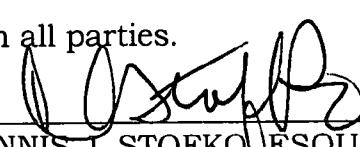
ENTRY OF APPEARANCE

Please enter my appearance for Defendants in the above matter. Papers
may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as
amended, a Jury Trial is demanded on all issues raised by the pleadings in this
action.

I certify this Entry of Appearance and Demand for Jury Trial shall be
served forthwith by ordinary mail upon all parties.


DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs

vs.

No. 06-2122

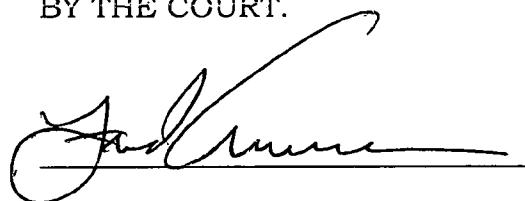
BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

ORDER

AND NOW this 4 day of April, 2007 in consideration
of the Defendant's Preliminary Objections, Argument is scheduled for
May 14, 2007 at 10:30 A.M. in Courtroom No 1 at
the Clearfield County Courthouse.

BY THE COURT.



FILED 3cc
04/27/07 Atty Stofko
APR 05 2007
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/5/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No. 06-2122

Plaintiffs,

MOTION FOR CONTINUANCE

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

FILED
MAY 02 2007
NOCC
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 06-2122

Plaintiffs

-vs-

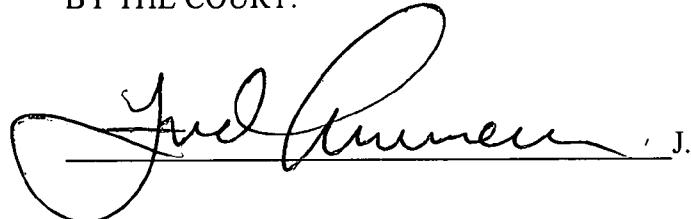
BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

ORDER OF COURT

AND NOW, this 2nd day of May, 2007, upon consideration of the Plaintiffs' Motion to Continue argument on the Defendants' Preliminary Objections, said Motion is granted and the argument on the Defendants' Preliminary Objections is rescheduled for the 5th day of June, 2007 at 10:30 A.m. in Courtroom No. 1.

BY THE COURT:



FILED 3 CC
04-4061 MAY 03 2007 Atty Casner
MAY 03 2007
GW

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE 5/3/07

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

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 06-2122

Plaintiffs

-vs-

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

MOTION FOR CONTINUANCE

AND NOW, comes forth the Plaintiffs, Genevieve Swanson and Claude Swanson, by and through their counsel, EDGAR SNYDER & ASSOCIATES, LLC and GEOFFREY S. CASHER, ESQUIRE and files the following Motion to Continue Argument on the Defendants' Preliminary Objections and in support thereof avers the following:

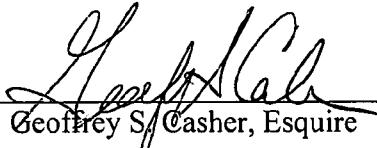
1. This action arises out of a dog bite incident which occurred on February 5, 2005 and a Complaint which was filed on January 5, 2007.
2. Said Complaint avers a count or counts which deals with claims for punitive damages. Defense counsel, Dennis J. Stofko, Esquire, filed Preliminary Objections to said counts for punitive damages.
3. Your Honorable Court set forth argument on the Preliminary Objections to be heard on Monday, May 14, 2007.
4. Undersigned counsel for the Plaintiff regretfully has a long standing planned vacation in order to attend his son's graduation from college and consequently has a conflict with said dates for argument.

5. Undersigned counsel has contacted attorney Dennis Stofko who has not opposed said continuance of said Motion.

WHEREFORE, undersigned counsel, Geoffrey S. Casher, respectfully requests your Honorable Court to continue said argument on Preliminary Objections for another date and time.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casher, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Motion for Continuance** was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 1st day of May, 2007:

Dennis J. Stofko, Esquire
PO Box 5500
Johnstown PA 15904

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casper
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

No. 06-2122

REPLY TO DEFENDANTS' PRELIMINARY
OBJECTIONS

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

#855003

FILED NOCC
MAY 04 2007
6K

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 06-2122

Plaintiffs

-vs-

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

REPLY TO DEFENDANTS' PRELIMINARY OBJECTIONS

AND NOW, comes forth the Plaintiffs, Genevieve Swanson and Claude Swanson, by and through their counsel, EDGAR SNYDER & ASSOCIATES, LLC and GEOFFREY S. CASHER, ESQUIRE and files the following response to Preliminary Objections that were filed by the Defendant to the Plaintiffs' Complaint.

Preliminary Objections

1. Admitted generally and the Complaint herein is incorporated as if set forth in full.
2. Admitted upon information and belief.
3. Admitted. The Plaintiffs' Complaint is incorporated herein by the way of further answer as to the details of the incident.
4. Admitted. The Complaint is incorporated herein as if set forth in full.

Count III Demurrer

5. Denied. The allegations and averments of the Plaintiffs' Complaint do rise to the level for imposition of punitive damages as set forth in the Plaintiffs' memo of law.

WHEREFORE, the Plaintiffs, Genevieve Swanson and Claude Swanson, respectfully request your Honorable Court deny the Defendant's demurrer as to the punitive damages as claimed set forth in Count III of the Plaintiffs' Complaint.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

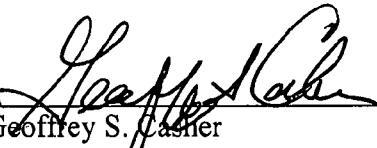
By: 
Geoffrey S. Casher
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Reply to Defendants' Preliminary Objections** was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 3rd day of May, 2007:

Dennis J. Stofko, Esquire
PO Box 5500
Johnstown PA 15904

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casner
Attorney for Plaintiffs

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

GENEVIEVE SWANSON and
CLAUDE SWANSON

-vs-

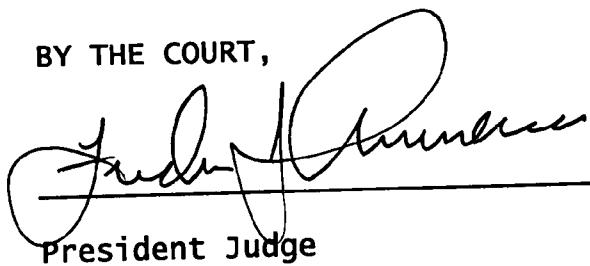
No. 06-2122-CD

BRIAN J. RUMERY and
CYNTHIA RUMERY

O R D E R

AND NOW, this 5th day of June, 2007, following
argument on the Defendants' Preliminary Objections, it is
the ORDER of this Court that said Preliminary Objections be
and are hereby dismissed.

BY THE COURT,



Judy J. Rumery

President Judge

FILED 3CC Atty's:
09:00am G. Casher
JUN 06 2007 D. Stofko
60

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-6-2007

 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:

FILED

JUN 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 15 2007

in (11:151) ~
William A. Shaw
Prothonotary/Clerk of Courts
no 41C (60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON

No. 06-2122

Plaintiff,
vs.

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

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 06-2122

Plaintiffs

-vs-

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

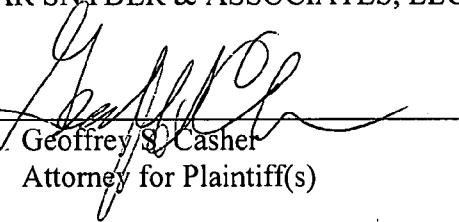
**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION
DIRECTED TO DEFENDANT[S]**

I hereby certify that on this 13th day of June, 2007, the original INTERROGATORIES DIRECTED TO DEFENDANTS, and original REQUEST FOR PRODUCTION OF DOCUMENTS and one (1) copy of NOTICE OF SERVICE OF INTERROGATORIES were mailed by First Class Mail, postage prepaid, to counsel for Defendants at the following address[es]:

Dennis J. Stofko, Esquire
969 Eisenhower Blvd., Suite E
PO Box 5500
Johnstown PA 15904

EDGAR SNYDER & ASSOCIATES, LLC

By


Geoffrey S. Casper
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

2006-2122-CJ
NO. 2005-4946

ANSWER AND NEW MATTER

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PLAINTIFFS:

You are hereby notified to reply
to the enclosed New Matter within
20 days of service hereof or a default
judgment may be entered against you.

FILED *no cc*
JUN 11 2006
JUN 29 2006

William A. Shaw
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES, the Defendants, Brian J. Rumery and Cynthia Rumery, by and through her counsel Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.
2. Admitted.
3. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
4. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.
5. Denied. Paragraph 5 contains conclusions of law to which no responsive pleading is required.
6. Denied. Paragraph 6 contains conclusions of law to which no responsive pleading is required.
7. Denied. Paragraph 7 contains conclusions of law to which no responsive pleading is required.
8. Denied. Paragraph 8 contains conclusions of law to which no responsive pleading is required.
9. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

10. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. Paragraph 11 contains conclusions of law to which no responsive pleading is required.

12. Denied. Paragraph 12 contains conclusions of law to which no responsive pleading is required.

13. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

14. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request that Plaintiffs' Complaint be dismissed.

COUNT II
CLAUDE SWANSON VS. BRIAN RUMERY AND CYNTHIA RUMERY

15. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request that Plaintiffs' Complaint be dismissed.

COUNT III
PUNITIVE DAMAGES

16. Denied. Paragraph 16 contains conclusions of law to which no responsive pleading is required.

17. Denied. Paragraph 17 contains conclusions of law to which no responsive pleading is required.

18. Denied. Paragraph 18 contains conclusions of law to which no responsive pleading is required.

WHEREFORE, Defendants request that Plaintiffs' Complaint be dismissed.

NEW MATTER

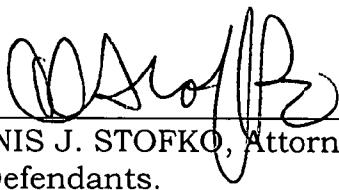
19. The Defendants aver that the Plaintiffs have failed to state a cause of action upon which relief can be granted.

20. The Defendants are informed, believe and therefore aver that the Plaintiff Genevieve Swanson was contributorily negligent and/or comparatively negligent and thus Plaintiffs are barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after February 5, 2005 as the Plaintiff's causal negligence is greater than the negligence, if any of the Defendants.

21. In the alternative to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. Section 7102A any damage which the Plaintiffs may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this

Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff, Genevieve Swanson.

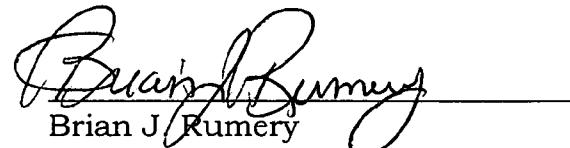
WHEREFORE, Defendants request judgment on their behalf.



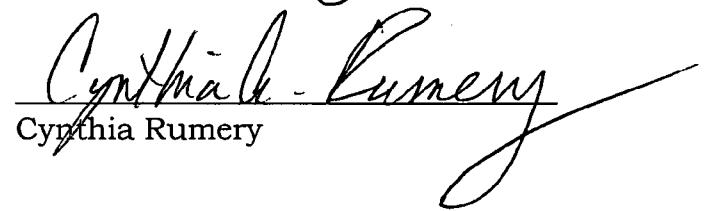
DENNIS J. STOKFO, Attorney for
the Defendants.

We, Brian J. Rumery and Cynthia Rumery, do hereby state that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief.

We understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.



Brian J. Rumery



Cynthia Rumery

Dated: June 27, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

2006-2122 CD
No. 2005-4946

NOTICE OF DEPOSITION

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

FILED No CC.
m/11/2007
JUL 16 2007 (sm)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 2005-4946

Plaintiffs

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

NOTICE OF DEPOSITION

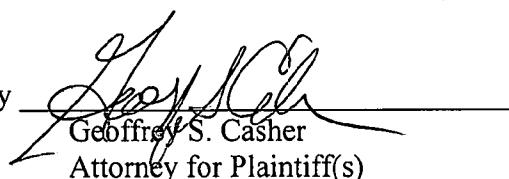
To: Cynthia Rumery
Dennis J. Stofko, Esquire
PO Box 5500
Johnstown PA 15904

PLEASE TAKE NOTICE that the Plaintiff(s) Genevieve Swanson and Claude Swanson, by their Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Cynthia Rumery, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on August 30, 2007, at 11:00 a.m., at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By


Geoffrey S. Casner
Attorney for Plaintiff(s)

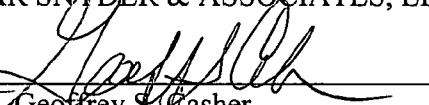
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 11th day of July, 2007.

Dennis J. Stofko, Esquire
PO Box 5500
Johnstown Pa 15904

EDGAR SNYDER & ASSOCIATES, LLC

By



Geoffrey S. Casper
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs,

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants.

2006-2122 CD
No. ~~2005-4946~~

NOTICE OF DEPOSITION

Filed on behalf of:
Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

FILED No CC.
m/11/2007
JUL 16 2007 *LS*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 2005-4946

Plaintiffs

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

NOTICE OF DEPOSITION

To: Brian J. Rumery
Dennis J. Stofko, Esquire
PO Box 5500
Johnstown PA 15904

PLEASE TAKE NOTICE that the Plaintiff(s) Genevieve Swanson and Claude Swanson, by their Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Brian J. Rumery, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on August 30, 2007, at 11:00 a.m., at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By

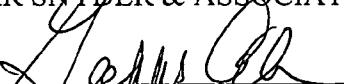

Geoffrey S. Casher
Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 11th day of July, 2007.

Dennis J. Stofko, Esquire
PO Box 5500
Johnstown Pa 15904

EDGAR SNYDER & ASSOCIATES, LLC

By 

Geoffrey S. Casper
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

2006-2122-CD
No. 2005-4946

Plaintiffs

REPLY TO NEW MATTER

vs.

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

Filed on behalf of:

Plaintiffs

Counsel of record for this party:

GEOFFREY S. CASHER, ESQUIRE
E-mail address: gcasher@edgarsnyder.com

PA I.D. No. 35309

EDGAR SNYDER & ASSOCIATES, LLC
100 West High Street
Ebensburg, PA 15931-1539

(814) 472-9000

JURY TRIAL DEMANDED

FILED
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JUL 18 2007
NOCC
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

No.: 2005-4946

Plaintiffs

-vs-

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

REPLY TO NEW MATTER

AND NOW, comes the Plaintiffs, Genevieve Swanson and Claude Swanson, by and through their attorneys EDGAR SNYDER & ASSOCIATES, LLC and GEOFFREY S. CASHER, ESQUIRE and files the following Reply to New Matter:

19. Denied. It is denied that the Plaintiffs have failed to state a cause of action upon which relief can be granted. The Plaintiffs' Complaint is incorporated herein and by way of further answer, strict proof of this averment is demanded at trial.

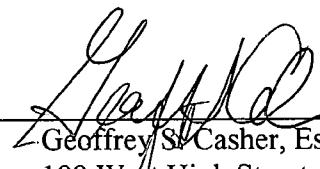
20. It is denied that the Plaintiff, Genevieve Swanson, was either contributory or comparatively negligent and the Plaintiffs are barred from any recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act and it is denied that the Plaintiff's causal negligence is greater than the negligence of any of the Defendants. The Plaintiffs' Complaint is incorporated herein and by way of further answer the Plaintiff, Genevieve Swanson, was an innocent pedestrian and was acting reasonably and prudently at the time of the averments complained of in the Plaintiffs' Complaint and any and all negligence rests solely with the Defendants.

21. Denied. It is denied that the Plaintiff is any way causally contributory negligent or comparatively negligent and Answer to New Matter paragraph 20 is incorporated herein. It is further asserted that any damages which the Plaintiff suffered should not be diminished in any proportion as the Plaintiff, Genevieve Swanson, was not contributory or comparatively negligent. Strict proof of this averment and allegation is demanded at trial.

WHEREFORE, the Plaintiffs request judgment against the Defendants together with the cost for the prosecution of this claim.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casher, Esquire
100 West High Street
Ebensburg PA 15931

VERIFICATION

We, Genevieve Swanson and Claude Swanson, Plaintiffs herein, hereby verify that the averments of fact contained in the foregoing Reply to New Matter are true and correct and based upon our personal knowledge, information or belief. We understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.

Genevieve Swanson
Genevieve Swanson

Claude Swanson
Claude Swanson

Date:

7-12-07

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Reply to New Matter** was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 17th day of July, 2007:

Dennis Stofko, Esquire
969 Eisenhower Blvd.
PO Box 5500
Johnstown PA 15904

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Geoffrey S. Casher
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs

vs.

No. 06-2122

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

NOTICE OF SERVICE OF
PLAINTIFFS' ANSWERS TO
DEFENDANTS' INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS

Filed on behalf of:
Plaintiffs

Counsel of record for this party:
Geoffrey S. Casher, Esquire
Pa. I.D. 35309

Edgar Snyder & Associates, LLC
100 W. High Street
Ebensburg, PA 15931-1539
(814) 472-9000

JURY TRIAL DEMANDED

FILED NO CC
M 10:50 AM
JUL 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs

vs.

No. 06-2122

BRIAN J. RUMERY and
CYNTHIA RUMERY,
Defendants

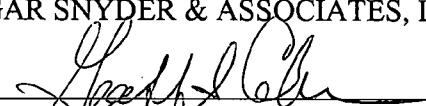
**NOTICE OF SERVICE OF PLAINTIFFS' ANSWERS TO
DEFENDANTS' INTERROGATORIES AND PLAINTIFFS' RESPONSES TO
DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS**

To the Prothonotary:

I hereby certify that on this 15th day of July, 2007, the original Answers to Interrogatories and Responses to Request for Production of Documents were mailed by First Class Mail, postage prepaid, to counsel for Defendants at the following address[es]:

Dennis J. Stofko, Esquire
969 Eisenhower Blvd., Suite E
P.O. Box 5500
Johnstown, PA 15904

EDGAR SNYDER & ASSOCIATES, LLC

BY: 

Geoffrey S. Casher, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GENEVIEVE SWANSON and
CLAUDE SWANSON,

Plaintiffs

vs.

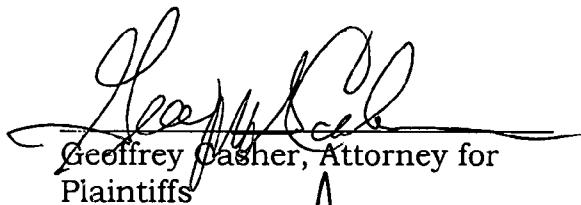
No. 06-2122

BRIAN J. RUMERY and
CYNTHIA RUMERY,

Defendants

PRAECIPE

Please mark the above captioned matter ended, settled and forever
discontinued.



Geoffrey Casher, Attorney for
Plaintiffs



Dennis J. Stolko, Attorney for
Defendants

FILED 1CC & 1Cert of
m/11:46am disc issued to
JUL 30 2008 Atty Stolko
W.A. Shaw
William A. Shaw Copy to C/A
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

©COPY

Genevieve Swanson
Claude Swanson

Vs.
Brian J. Rumery
Cynthia Rumery

No. 2006-02122-CD

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 July 30, 2008, marked:

Ended, settled and forever discontinued

Record costs in the sum of \$85.00 have been paid in full by Geoffrey Casher Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of July A.D. 2008.

William A. Shaw

LM

William A. Shaw, Prothonotary