

2006-2146-CD
Betty Pontillo vs Hugh Madra

Betty Pontillo vs Hugh Madra
2006-2146-CD

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

BETTY ANN PONTILLO, an adult
individual

Plaintiff, : No.: 06-2146-CD

v.

HUGH P. MADERA, an adult individual,

Defendant. :

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiff

Counsel of Record:

: Theron G. Noble, Esquire
: Ferraraccio & Noble
: 301 East Pine Street
: Clearfield, PA 16830
: (814)-375-2221
: PA I.D.#: 55942

FILED 3CC
12/9/2006 Atty
DEC 28 2006 Atty pd. 85.00
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

BETTY ANN PONTILLO, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
HUGH P. MADERA, an adult individual,)
Defendant.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

BETTY ANN PONTILLO, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
HUGH P. MADERA, an adult individual,)
Defendant.)

CIVIL COMPLAINT

NOW COMES the Plaintiff, Betty Ann Pontillo, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her CIVIL COMPLAINT:

The Parties

1. That Plaintiff is Betty Ann Pontillo, also known as Betty Ann Redden, who resides at Woodland, Clearfield County, Pennsylvania with mailing address of P.O. Box 223, Woodland, PA 16881, and who at all relevant and material times did reside in Clearfield County, Pennsylvania.
2. That defendant is Hugh P. Madera, hereinafter "Madera", who upon information and belief, does currently reside at and at all relevant and material times did reside at 6 South 6th Street, Clearfield, Clearfield County, Pennsylvania 16830.

Background

3. That amongst his business interests, Defendant Madera owns, or in the alternative did own on April 1, 2005, sometimes hereinafter referred to as "said date", the premises located at 1633 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.
4. That Defendant Madera does, or did on said date, lease the premises for residential

purposes.

5. That on said date Ms. Pontillo's daughter, Ms. Angie Graham, was leasing "Apartment C" from Defendant Madera at said premises, which is located on the third floor of said premises..
6. That Ms. Pontillo was visiting her daughter and grandchildren at said premises and at approximately 8:00 P.M. was playing in the yard with her grandchildren when she went upstairs to her daughter's apartment to retrieve a sweatshirt.
7. That after retrieving the sweatshirt, Ms. Pontillo went to return from the third floor apartment to the yard to continue the enjoyment of her grandchildren.
8. However, after exiting her daughter's aforementioned apartment, Ms. Pontillo started to go down the stairs, located in the exterior of the building between the third and second floors, when she lost her balance and fell over the stairs, sideways, landing on the second floor.

Count I: Negligence

9. That the averments of paragraphs 1 - 8, inclusive are hereby incorporated as if again fully set forth at length.
10. That Defendant Madera negligently maintained the premises leased partially to Ms. Pontillo's daughter, as follows:
 - (i) the stairs extending between the third and second floors did not have a proper handrail;
 - (ii) said stairs had no device which prevented a person from falling sideways over

the stairs and onto the next level;

- (iii) the steps of the stairs were not of even or uniform width;
- (iv) the exterior lighting was not adequate and was not maintained; and
- (v) the stairs were loose.

11. In support of averment 10(i), Defendant Madera had placed, or in the alternative maintained, a rope extending from the second to third levels of said premises on the side of the stairs at about arm's length, which was not stable or tightly fixed nor would it keep a person from falling over the stairs and onto at least the next level.

12. In support of averment 10(ii), there was no side rails below the rope.

13. In support of averment 10(iii) and (v), the steps of the stairs were of different lengths and/or widths, and the space available in which one could step as they traversed up or down on said stairs was not uniform and were loose.

14. In support of averment 10(iv), Defendant Madera, upon information and belief, had been informed that the exterior lights located on the third floor were not working and failed to provide adequate lighting.

15. That as a direct and proximate result of Defendant Madera's aforementioned negligence, Ms. Pontillo lost her balance and fell sideways over said stairs landing on the second floor.

16. That as a direct and proximate result of said fall, Ms. Pontillo suffered injuries to her face, shoulders, back, neck, arms and legs.

17. That as a direct and proximate result of her injuries, Ms. Pontillo has received and continues to receive medical treatment from hospitals, doctors, specialists and therapists, in an amount to be determined at time of trial, for which she should be compensated.

18. That as a direct and proximate result of her injuries, Ms. Pontillo has lost income from her gainful employment, and will lose additional income, for which she should be compensated in an amount to be determined at time of trial.
19. That as a direct and proximate result of her injuries, Ms. Pontillo, upon information and belief, will incur additional medical bills in the future for which she should be compensated in an amount to be determined at time of trial.
20. That as a direct and proximate result of her injuries, Ms. Pontillo has needed to acquire certain medical devices and medicines for her use at home for which she should be compensated in an amount to be determined at time of trial.
21. That as a direct and proximate result of her injuries, Ms. Pontillo has suffered, does suffer and will continue to suffer pain for which she should be compensated in an amount to be determined at time of trial.
22. That as a direct and proximate result of her injuries, Ms. Pontillo has lost the ability to enjoy life to the extent she was able to so enjoy life prior to this incident, for which she should be compensated in an amount to be determined at time of trial.
23. That upon information and belief, the injuries suffered by Ms. Pontillo, or pre-existing conditions greatly aggravated by the severe trauma hoisted upon her by this incident, specifically including cervicothoracic strain, symptomatic degenerative disc disease of the cervical spine, cervical radiculopathy, lumbosacral strain and scoliosis, are injuries and damages which are permanent in nature and for which she should be compensated in an amount to be determined at time of trial.
24. That Ms. Pontillo has suffered some permanent disfigurement as a direct and proximate result of this incident which causes embarrassment and humiliation for which

she should be compensated for in an amount to be determined at time of trial.

Count II: Recklessness

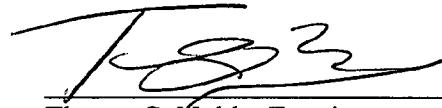
25. That the averments of paragraphs 1 - 24, inclusive, are hereby incorporated as if again fully set forth at length.
26. That the aforementioned conduct could also be determined to be reckless conduct in that the Defendant knew, or should have known, that he created an unreasonable and unjustifiable risk of harm and greatly deviated from the standard of care owed to those who lawfully used said stairs such that it was willful and wanton conduct to maintain the stairs in such condition and without handrails.

Miscellaneous Averments

27. That jurisdiction is proper.
28. That venue is proper.
29. That Defendant is entitled to a \$5,000 set off for contributions already made towards Plaintiffs medical bills.

WHEREFORE, Plaintiff requests judgment in her favor and against defendant, in an amount in excess of \$25,000, together with interest, costs of prosecution, and if determined to be reckless conduct, reasonable attorney's fees and punitive damages, in amounts to be determined at time of trial.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BETTY ANN PONTILLO, an adult)
individual)
Plaintiff,) No.: 06-_____ -CD
v.)
HUGH P. MADERA, an adult individual,)
Defendant.)

VERIFICATION

I, Betty Ann Pontillo, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 22nd day of December, 2006.

By,

Betty ann Pontillo
Betty Ann Pontillo, Plaintiff

CA

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

BETTY ANN PONTILLO
Plaintiff

vs.

HUGH P. MADERA
Defendant

* NO. 2006-2146-CD

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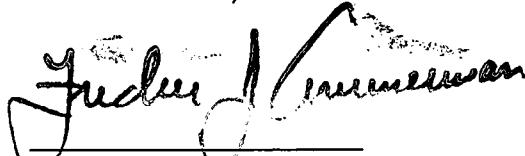
*

ORDER

NOW, this 15th day of April, 2013, following a review of the docket, due to the case's extended period of time in pending status; it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

If this case has been concluded, the moving party is directed to file the appropriate Praeclipe with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
07/31/2013
APR 17 2013
S

William A. Shaw
Prothonotary/Clerk of Courts

1CC A/Hy
Noble
1CC deft @
6 South 6th St
Clearfield
CK

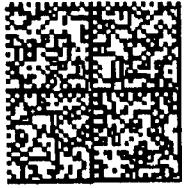
William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

APR 23 2013
FILED
William A. Shaw
Prothonotary/Clerk of Courts

Urgent

Hugh P. Madera
South 6th Street
Clearfield PA 16830

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NOTICE 152 D2-1 00 04/23/13
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6 South 6th St
Clearfield, PA

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

BETTY ANN PONTILLO
Plaintiff

* NO. 2006-2146-CD

HUGH P. MADERA
Defendant

vs.
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BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

I hereby certify, that is the true
and attested copy of the original
statement filed in this case.

APR 17 2013

Attest.


Prothonotary/
Clerk of Courts

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William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BETTY ANN PONTILLO

}

VS

} NO. 2006-2146-CD

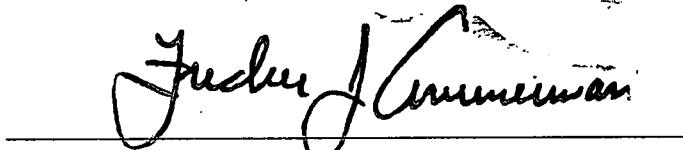
HUGH P. MADERA

}

O R D E R

NOW, this 8th day of May, 2013, following status conference between counsel for plaintiff and the Court relative the case being inactive for a period of approximately ten years or more, upon request of counsel, plaintiff shall have no more than 75 days from this date in which to file some document with the record that the Court deems to be appropriate showing that the case will proceed. In the event of any failure to file any such document with the Court within the required time period, the plaintiff is hereby put on notice that the Court may dismiss the action.

BY THE COURT,



President Judge

FILED

MAY 10 2013

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5-10-13

 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:

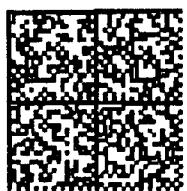
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6 South 6th Street
Clearfield 16830

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

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FILED

MAY 20 2013
MAY 8 2013
William A. Shaw
Prothonotary/Clerk of Courts



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US POSTAGE

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DEC

Hugh P Madera
6 South 6th Street
Clearfield PA 16830

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SC: 16830054949 *1019-07600-10-41
16830054949

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS
CLEARFIELD COUNTY

WILLIAM A. SHAW
PROTHONOTARY
AND
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY



PO BOX 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 5013
FAX (814) 765-2641

JOHN SUGHRUE
SOLICITOR

Jeff
6 South 6th St.
Clearfield

LYNN MILLER
ADMINISTRATIVE ASSISTANT

To: All Concerned Parties

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 2136 Thank you.

William A. Shaw, Prothonotary

DATE: 5-10-13

P You are responsible for serving all appropriate parties.

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

P Plaintiff(s)

X Plaintiff(s) Attorney

Other

V Defendant(s)

Defendant(s) Attorney

Special Instructions:

1. **STATEMENT OF RECEIPTS AND EXPENDITURE**

IN THE COURT OF COMMON PLEAS **MAY 10 2013**
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|--------------------|---|------------------|
| BETTY ANN PONTILLO | } | |
| VS | } | NO. 2006-2146-CD |
| HUGH P. MADERA | } | |

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BY THE COURT.

/S/ Fredric J Ammerman

President Judge

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(CIVIL DIVISION)

BETTY ANN PONTILLO, an adult)
individual)
Plaintiff,) No.: 06-2146-CD
v.)
HUGH P. MADERA, an adult individual,)
Defendant.)

PRAECIPE TO DISCONTINUE

FILED

2 MAY 29 2013
12:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
W-6 4/6

PRAECIPE TO DISCONTINUE

To: Clearfield County Prothonotary

COPY TO

Date: January 11, 2007

C/A

Please mark the above referenced case settled, ended and forever discontinued.

Respectfully Submitted,


5/28/13

Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiff
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942