

06-2152-CD  
Ethel Johnson vs James Lucas

Ethel Johnson vs James Lucas  
2006-2152-CD

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

ETHEL E. JOHNSON,  
Plaintiff,

v.

No. 06-2152 -CD

JAMES W. LUCAS,  
Defendant.

CASE NUMBER: 06- -CD

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiff

COUNSEL FOR RECORD FOR THIS PARTY: R. Denning Gearhart, Esquire  
Supreme Court ID#: 26540  
207 East Market Street  
Clearfield, PA 16830  
814-765-1581

FILED 3cc  
of 3:41pm Atty Gearhart  
DEC 28 2006 (un) Atty pd.  
William A. Shaw \$5.00  
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON,  
Plaintiff,

v.

No. 06-2152-CD

JAMES W. LUCAS,  
Defendant.

**RULE RETURNABLE**

AND NOW, this 2<sup>nd</sup> day of JAN, 2007, upon consideration of the attached Petition, a Rule is hereby issued upon JAMES W. LUCAS, to show cause why the Petition should not be granted. Rule Returnable the 12<sup>th</sup> day of January, 2007, at 3:00 P m, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

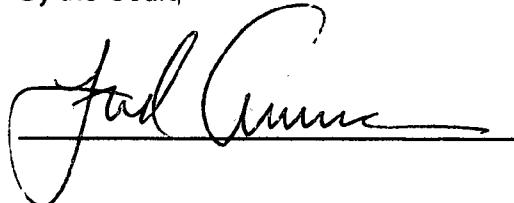
**NOTICE**

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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.

COURT ADMINISTRATOR'S OFFICE  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
814-765-2641

By the Court,



FILED 3cc  
01/30/07 Atty Gearhart  
JAN 02 2007  


William A. Shaw  
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON  
Plaintiff

No. 08-111-CC

James M. Lucas  
Defendant

RULE RETURNABLE

AND NOW, this 27th day of July, 2007, upon

consideration of the Affidavit of Plaintiff, a Rule is hereby issued upon James M. Lucas  
to show cause why the Plaintiff's claim not be dismissed. Rule Returns to the Clerk day  
of July, 2007, at 12:00 P.M. in Courtroom No. 5, Consisting

Central Courtroom, Classifield, Pennsylvania.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF  
YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOVING  
PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY  
AND FILING IN WRITING WITH THE COURT, YOU DEFEND THAT IF YOU FAIL TO DO SO  
MATTER SET FORTH AGAINST YOU. YOU ARE WAIVED THAT IF YOU FAIL TO DO SO  
THE CASE MAY PROCEED WITHOUT YOU AND IN ORDER THAT MAY BE ENTERED; SAME  
YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RESULT REQUESTED BY THE  
PETITIONER OR MOTION. YOU MAY FILE RIGHTS IMPORTANT TO YOU  
YOU SHOULD TAKE THIS MATTER 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.

COURT ADMINISTRATOR'S OFFICE

Classifield Court, Clearfield

330 East Market Street

Classifield, PA 16830

814-766-2641

By the Court

DATE: 1/2/07  
 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:

FILED

JAN 02 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON,  
Plaintiff,

v.

... No. 06- ... -CD

JAMES W. LUCAS,  
Defendant.

**COMPLAINT**

AND NOW, comes the Plaintiff, ETHEL E. JOHNSON, by and through her attorney, R. Denning Gearhart, files this Complaint and avers as follows:

1. That the Plaintiff, ETHEL E. JOHNSON, is an adult individual who is presently residing at 424 Mann Road, Clearfield, Pennsylvania, 16830.
2. That the Defendant, JAMES W. LUCAS, is an adult individual who is presently residing at 150 Stronach Road, Grampian, Pennsylvania, 16838.
3. That the Plaintiff is the mother of Susan Wilsoncroft Lucas who passed away on February 19, 2006.
4. That the Defendant is the husband of Susan Wilsoncroft Lucas.

**COUNT I – CONTRACT**

5. That the Plaintiff incorporates Paragraphs one through four of the Complaint by reference and makes them a part thereof.
6. That the parties met with William Williams of the Chester C. Chidboy Funeral Home to arrange for the funeral of Susan Wilsoncroft Lucas.
7. That the Defendant later advised the Plaintiff by letter dated September 12, 2006, attached hereto as Exhibit "A", that he was prepared to pay Three Thousand

(\$3,000.00) Dollars for Susan Wilsoncroft Lucas' funeral even though he did not object to the Seven Thousand (\$7,000.00) Dollar funeral arrangement at the meeting involving the parties and Mr. Williams.

8. That the Seven Thousand One Hundred Eighty Five (\$7,185.00) Dollar funeral was paid by the Plaintiff by credit card as evidence by copy of credit card receipt attached hereto as Exhibit "B".

9. That the Plaintiff has made several demands of the Defendant for contributions, but to date has received none.

10. That the cost of the interment should have been the responsibility of the spouse.

WHEREFORE, Plaintiff prays your Honorable Court to award her the sum of Seven Thousand One Hundred Eighty Five (\$7,185.00) Dollars.

#### **COUNT II – REPLEVIN**

11. That the Plaintiff incorporates Paragraphs one through ten of the Complaint by reference and makes them a part thereof.

12. That immediately preceding her death, Susan Wilsoncroft Lucas had stored in various locations of property she owned jointly with the Defendant, personal property belonging to the Plaintiff, Susan's daughter, Susan's brother and Susan's nephew, as attached hereto in Exhibit "C".

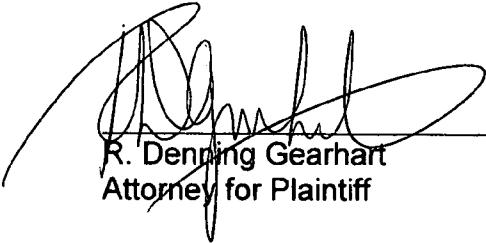
13. That despite the request of the Plaintiff, the Defendant has refused to allow these items to be collected.

14. Furthermore, prior to August 14, 2006, when she also unfortunately passed away, the daughter of Susan Wilsoncroft Lucas and the granddaughter of the

Plaintiff, Jenna Wilsoncroft Malone, returned on leave from the United States Army and was denied access or opportunity to collect any of these items by the Defendant.

WHEREFORE, Plaintiff prays your Honorable Court to issue a rule with hearing upon the Defendant to show cause why Plaintiff should not be allowed to collect the items listed herein.

Respectfully submitted,



R. Denning Gearhart  
Attorney for Plaintiff

Date: December 28, 2006

Sept. 12-56

Ethel,

I assume You Mean The  
Property You Have Abandoned at  
My House, ~~that~~ That Consists of  
Your Doll & Case, Your Vanity, &  
Your Camper That I Paid half  
of, That Is Still at My House.

You May Come & Get these  
Three Things With The  
Police, Because You Are Not  
Welcome In My Home &  
You Have Already Stole  
Stuff That Was Mine From  
My Car When You Were  
Fighting With Me Over My  
Car.

I Never Said I Wanted  
You To Put My Wifes Funeral  
On Your Credit Card Nor Did  
I Want You To. The Only  
Reason I Had A \$7000.00  
Funeral Was Because You  
Put it On Your Card. How

Could I Say No You Can't  
Hate That when You Paid For  
It. I Also Had Made Arrangements  
With The Funeral Home Director  
To Make Payments for The  
Rest of My Life for A \$3,000  
Funeral So Why Would I  
Want You To Put it On  
Your Credit Card, So  
You Can Take Your  
Legal Action Against Me.

Please Let Me Know When  
The Police Can Come With  
You To Get The Property  
You Abandoned at My  
Home in Your Next Letter.  
Please Do Not Call Me or  
Come To My Home.

James Lucas

CHESTER C. CHIDBOY, 390 STATE ST. CURVENSVILLE, PA 16833	
TERMINAL I.D.	91637261
MERCHANT #	544668066916372
MASTERCARD	
5468436603226427	EXP.: 07/00
SALE	INVOICE: 262638
BATCH: 000010	TIME: 10:20
DATE: FEB 28 00	AUTH. NO: 157948
TOTAL \$7185.00	
ETHEL E. JOHNSON <i>Etzel Johnson</i>	
I AGREE TO PAY ABOVE TOTAL AMOUNT ACCORDING TO CARD ISSUER AGREEMENT (MERCHANT AGREEMENT IF CREDIT VOUCHER)	

EXHIBIT "B"

Dresser ~~hot water bottle~~  
picnic table Punpatawney Phil beans.  
Swing eagle bobble head  
Sleeping bags high chair  
dust mop Casey's toys  
flower pot stand fishing rods  
entertainment center Doll cradles  
Casey dresser & giraffe stand ~~swing~~  
picture of kids Black and white ring  
Quilt hand made folding table  
magazine stand sled  
garbage can pumpkin  
lamp blue Eagles picture  
Jeff's stuff heating pad  
Walter's stuff Desk & Chairs  
cow pictures in kitchen cow clock  
doll & Case Jenna's duffle bag  
camper Sea shell stuff  
vanity dresser ~~toys~~  
Dough boy cookie jar  
wooden barrel Jeff's Jewelry box ~~spoon~~  
Cow chimes Buddha with kids on it  
Casey's Toys & Eagles Bike

washer Board game  
wheel barrow

COMMONWEALTH OF PENNSYLVANIA

ss.

COUNTY OF CLEARFIELD

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared ETHEL E. JOHNSON, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Ethel E. Johnson  
Ethel E. Johnson

Sworn to and subscribed

before me, this 20th

day of December, 2006.

Shannon R. Wisor  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Shannon R. Wisor, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Aug. 25, 2007

PLAY ON 2014-03-20

## 1. *Introduction*

and the 1990s, the number of people in the United States who are uninsured has increased from 35 million to 45 million. The number of uninsured people in the United States is projected to grow to 50 million by 2010.

1920] *W. H. DAVIS*

### III. *Some of Our Books*

THE BOSTONIAN SOCIETY

FILED  
DEC 28 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON,  
Plaintiff

vs.

No. 06-2152-CD

JAMES W. LUCAS,  
Defendant

CASE NUMBER: No. 06-2152-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: MOTION FOR CONTINUANCE

FILED ON BEHALF OF: Plaintiff

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I. D. #26540  
207 East Market Street  
Clearfield, PA 16830  
(814) 765-1581

FILED 4cc  
OCT 10 2007 Atty Gearhart  
JAN 11 2007

WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

ETHEL E. JOHNSON, :  
Plaintiff :  
Vs. : No. 06-2152-CD  
JAMES W. LUCAS, :  
Defendant :  
:

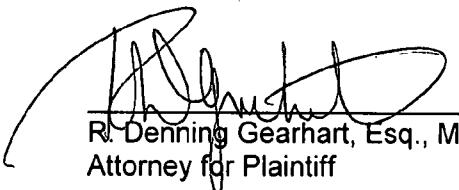
MOTION FOR CONTINUANCE OF HEARING

AND NOW, comes R. Denning Gearhart, Esq., Attorney for Plaintiff, who moves for a continuance of the Hearing, and in support thereof avers as follows:

1. That a Complaint was filed in the above captioned matter on December 28, 2006.
2. That a Rule Returnable hearing is scheduled for January 12, 2007, at 3:00 o'clock P.M., before this Honorable Court.
3. That as of January 11, 2007, the Sheriff's Office has not been able to obtain service of the Complaint on the Defendant.

WHEREFORE, your movant prays Your Honorable Court to reschedule the Rule Returnable Hearing to another date.

Respectfully submitted,

  
R. Denning Gearhart, Esq., Movant  
Attorney for Plaintiff

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

ETHEL E. JOHNSON, Plaintiff  
vs. No. 06-2152-CD  
JAMES W. LUCAS, Defendant

ORDER

AND NOW, THIS 11<sup>th</sup> day of January, 2007, upon consideration  
of the foregoing Motion for Continuance, the Hearing scheduled for January 12, 2007, at  
3:00 o'clock P.M., is hereby rescheduled for the 5<sup>th</sup> Day of February,  
2007, at 10:00 O'clock A. M., in Courtroom No., 1, of the Clearfield County  
Courthouse, Clearfield, Pennsylvania.

BY THE COURT

  
JUDGE

FILED 4CC  
01/19/07 Atty Gearhart  
JAN 12 2007  
6X  
William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 1/12/07

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:

**FILED**

JAN 12 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION No. 06-2152-CD

ETHEL E. JOHNSON,  
Plaintiff  
vs.  
JAMES W. LUCAS,  
Defendant

MOTION FOR CONTINUANCE & ORDER

**FILED**

**JAN 11 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

Date: 2/6/2007

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 03:35 PM

**ROA Report**

Page 1 of 1

Case: 2006-02152-CD

Current Judge: Fredric Joseph Ammerman

Ethel E. Johnson vs. James W. Lucas

**Civil Other**

Date		Judge
12/28/2006	New Case Filed. Filing: Civil Complaint Paid by: Gearhart, R. Denning (attorney for Johnson, Ethel E.) Receipt number: 1916970 Dated: 12/28/2006 Amount: \$85.00 (Check) 3CC Atty Gearhart.	No Judge No Judge
1/2/2007	Rule Returnable, AND NOW, this 2nd day of January 2007, upon consideration of the attached Petition, a Rule is hereby issued upon James W. Lucas, to show cause why the Petition should not be granted. Rule Returnable the 12th day of January 2007 at 3:00 p.m. in Courtroom NO. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Gearhart.	Fredric Joseph Ammerman
1/11/2007	Motion for Continuance, filed by s/R. Denning Gearhart, Esq. Four CC Attorney Gearhart	Fredric Joseph Ammerman
1/12/2007	Order, NOW, this 11th day of Jan., 2007, upon consideration of the Motion for Continuance, the Hearing scheduled for Jan. 12, 2007 is rescheduled for the 5th Day of Feb., 2007, at 10:00 a.m. in Courtroom no. 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Gearhart	Fredric Joseph Ammerman
1/24/2007 <i>note file</i>	Sheriff Return, January 23, 2007 at 11:21 am Served the within Complaint & Rule Returnable on James W. Lucas. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gearhart \$51.75	Fredric Joseph Ammerman

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

ETHEL E. JOHNSON,  
Plaintiff

vs.

JAMES W. LUCAS,  
Defendant

\*

\*

\*

NO. 06-2152-CD

\*

\*

\*

ORDER

NOW, this 5<sup>th</sup> day of February, 2007, this being the date set for hearing on the Plaintiff's Petition for Monetary Damages, and upon agreement of the parties, it is the ORDER of this Court as follows:

1. The parties agree that the Plaintiff Ethel E. Johnson is entitled to obtain certain items of personal property from the home of Defendant James W. Lucas;
2. Ethel E. Johnson shall be entitled to go to the Defendant's home on Saturday, February 10, 2007 at 1:00 p.m. in order to obtain the items in question;
3. Ethel E. Johnson shall be permitted to have a constable accompany her to the Defendant's residence. Any costs associated with the constable shall be paid by the Plaintiff;
4. The Plaintiff may be accompanied by Matthew Rubley and/or Tom and Andrew McDermott, who will assist in removing the items in question; and
5. In the event that there is any dispute over any particular item(s) as to ownership, that item(s) shall remain at the Defendant's home and be subject to potential further litigation.

FILED

01/07/07  
FEB 07 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Gearhart  
Def. 150 Stronach Rd.  
Grampian, PA 16838

(60)

BY THE COURT

  
FREDERIC J. AMMERMAN  
President Judge

**FILED**

**FEB 07 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 2/7/07

       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: